

Development Management Sub-Committee Report

Friday 17 March 2023

**Application for Planning Permission
9 Haymarket Terrace, Edinburgh,**

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

**Item – Committee Decision
Application Number – 21/03756/FUL
Ward – B11 - City Centre**

Reasons for Referral to Committee

This application has been referred to the Development Management Sub-Committee because 242 letters of representation submitted across 2 schemes, objecting to the proposals have been received, and the recommendation is that the application be granted. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

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

Summary

The proposal would deliver a modern office which would be net zero carbon in its operation and therefore highly sustainable. Due to its size the building would deliver considerable economic benefit. The unattractive Rosebery House, which does not contribute positively to the area in its layout and appearance, would be removed.

The building is near to the Category A Listed Haymarket Station which is an important building within the Haymarket area. In accordance with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, there is a strong presumption against granting planning permission if there is harm to a listed building or its setting.

The building height and form has been revised to reduce the impact on the setting of the A Listed Haymarket Station. The revised proposals are not considered to have an adverse impact on the setting of the A Listed Building.

The proposals are in accordance with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The proposal complies with Edinburgh Local Development Plan (LDP) Policy Emp 1 - Office Development and Del 2 - City Centre through the creation of a high-quality office development in the City Centre, and most notably within an area which is highly accessible by sustainable transport modes.

There are no material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The site is Rosebery House which is next to the category A listed Haymarket Station. It has a site area of 5978m². It is a 1970s office block which is five storeys in height and has around 8000m² of floor space. It has the appearance of a four-storey building from Haymarket Terrace but the site falls away towards the railway to the south and rear concealing an additional storey below the entrance level. The building sits behind a wall next to the tram stop. The applicant states that the building fabric and services are reaching the end of their lifespan.

To the west is an office known as City Point. It is five storeys to the Haymarket Terrace side and like Rosebery House has an additional storey below its entrance level.

To the north are five storey tenements. Their fifth storey is finished in roof slates, and this gives them the appearance of four storey buildings with attic accommodation. The tenements are in both the New Town Conservation Area and the Edinburgh World Heritage Site. The boundaries of these designations runs along the middle of Haymarket Terrace at this location.

There are a number of listed buildings near the site. These include:

- The Category A Haymarket Station is two storeys to its front and has a stone portico. It has been extended with a new concourse with lifts and escalators to its platforms which are below the entrance level (listed 27 October 1964, reference LB26901).
- 1 to 9 Rosebery Crescent (to the north) are category C (listed 10 December 1964, references LB29657, LB29658, LB29659, LB29660, LB48909)
- 10 to 14 Rosebery Crescent are category B (listed 10 December 1964, reference LB29661)
- Distillery Lane Easter Dalry House And Boundary Wall is category B and south of Haymarket Station (listed 8 May 1975, reference LB 26824)
- Distillery Lane And Dalry Road, Caledonian Distillery are category B and are also to the south. Included are former warehouse buildings and a 90m high former chimney (listed 26 October 1989, LB26811).
- Haymarket Terrace, Ryrie's (formerly Haymarket Inn). This is 2 storey category B listed public house (listed 9 February 1993, reference LB 26926)
- the Dalry Colonies are category B and to the south east of Haymarket Station (listed 29 April 1977, reference LB26746).

The site is within the City Centre designation of the Edinburgh Local Development Plan.

Haymarket Tram Stop is immediately to the front of the site on Haymarket Terrace and just beyond that are a number of bus stops both local and long distance buses. There is a taxi rank on Haymarket Terrace. There is an on-road cycle route which is part of NCN1 and NCN76 along Haymarket yards. So, with heavy rail, tram, buses and the cycle route, the site is very well served by public transport and active travel routes.

Description Of the Proposal

It is proposed to demolish Rosebery House and replace it with a new office that is both larger in footprint and height than the existing building. It would have 19008m² of floor space. A key part of the proposal is that the new building is designed to be sustainable, achieving net zero carbon in its operation. The building would be 8 story's in height. Like Rosebery House, the proposed building would have an entrance at the Haymarket Terrace level with a storey below. The building form is stepped so that it is lower on Haymarket Terrace. The section of building to the rear would measure approximately 37.44 metres high with the front section 25.3 metres high. The existing building is approximately 12.8 metres high to Haymarket Terrace. The building is proposed to be finished in precast acid etched concrete. There would be bronze coloured polyester powder coated spandrel panels and glazing.

There would be 220 cycle parking spaces and 5 car parking spaces located within the lower ground floor.

The front entrance of the building would be positioned next to the tram stop.

Supporting Information

The application is supported by the following information which is available to view on the Planning and Building Standards Online Services:

- Acoustic Planning.
- Air Quality Assessment.
- Bat survey.
- Bream Pre-Assessment.
- Daylight and Sunlight Report.
- Design and Access Statement.
- Economic Benefits Report.
- Flood Risk Assessment and Drainage Strategy.
- Planning Statement.
- Pre-Application Consultation Report.
- Preliminary Environmental Risk Assessment.
- S1 Sustainability Form.
- Sustainability Statement.
- Transport Statement and
- Workplace Travel Plan.

Relevant Site History

No relevant site history.

Other Relevant Site History

Planning Application 22/04595/FUL

20 Haymarket Yards, Edinburgh, EH12 5WU

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

The application is under consideration on the agenda of 17 March 2023.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

West End Community Council

Gorgie Dalry Community Council

Historic Environment Scotland

Archaeology

Economic Development

Edinburgh Trams

Edinburgh World Heritage

Network Rail

Gorgie Dalry Community Council

Network Rail

Archaeology

Economic Development

Historic Environment Scotland

Edinburgh Trams

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

Publicity and Public Engagement

Date of Neighbour Notification: 28 November 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 25 November 2022 26 August 2021

Site Notices Date(s): Not Applicable

Number of Contributors: 242

Section B - Assessment

Determining Issues

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

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

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

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".

Haymarket Station

Haymarket Station is a category A listed - 7 bay station office which was originally opened in 1842. The setting of Haymarket Station on the approach from the east is of the Station Building set squarely at the end of a vista with limited buildings within this setting. Its setting includes the vista along Atholl / Coates Place and West Maitland Street. The listed chimney can be seen behind. There are some low rise buildings around the station including the listed Ryrie's pub, the nearby Dalry colonies and the station's own extension. Around the junction of Haymarket Terrace / Dalry Road / West Maitland Street the relatively low rise buildings help reinforce the importance of the station building.

While the tenements and offices are larger, these are set some way away from the station. The former Haymarket Goods Yards development next to Morrison Street / Dalry Road, which is currently under construction, will be a lot taller than surrounding buildings, but it is further away from the station than the application site. Although the setting was altered as part of the extension to Haymarket Station these alterations are positioned away from the main elevation and are positioned below the height of the original station.

The proposed new office building would alter the immediate setting of Haymarket Station through the introduction of a building higher than the station. Whilst the new building would not be viewed directly behind the station the relationship between the new building and the Station Building is particularly sensitive. It is recognised that this relationship can be viewed from a number of different roads/ pedestrian areas and the experience alters on different approaches. In certain views the new building would alter the setting of the category A listed station. The alterations to the proposed form and massing of the new building have reduced the overall impact on the setting of the A listed building. It is considered that this is a neutral impact.

The impact of the original proposed new building on the setting of Haymarket Station was considered to be negative in a number of viewpoints. The revised scheme has reduced the height of the building to the eastern edge of the site reducing the impact on the setting of the Station. In viewpoints 1,2 and 11 around the Haymarket junction the office rises above the station. From where Dalry Road bridges over the railway (view 10) the new building would form the backdrop to Haymarket Station where currently there is sky. In these views the new office will provide an alternative backdrop to the station. However, on balance it is considered that the impact is neutral. The key approaches to Haymarket Station from the east are preserved and the station is read in its original context.

Historic Environment Scotland have expressed concern with the relationship of the new building with the setting of the Station Building. They also advise that the impact on closer views is likely to be more damaging. Additional closer views were provided and Historic Environment Scotland consider that within these closer views there would be a negative impact on the setting of the Station. It is acknowledged within the consultation response that the new building would not impact on the more significant long view of the Station from West Maitland Street. HES conclude that the proposed new building does not raise significant enough historic environments issues for them to object to the application.

Any alteration to the size and massing of Rosebery House will have an impact on the setting of Haymarket Station. In considering this impact the most significant views are those in approach from the east. It has been demonstrated in the application that these views are retained and the significant setting of Haymarket Station is maintained. On balance it is considered that the redevelopment of the site at Rosebery House is acceptable in terms of the setting of Haymarket Station.

Other Listed Buildings

There are also listed buildings surrounding the site including Ryrie's, Distillery Lane (including former chimney) and properties on Rosebery Crescent. The immediate setting of these buildings is of a tighter urban context and they form an important relationship with the A Listed Haymarket Station. The relationship between these listed buildings and the proposed new office development will result in an altered setting for these buildings but is not one which is considered to result in harm to these buildings' setting.

Given that there would be potential harm to the setting of the A listed Haymarket Station, in terms of the above legal tests consideration is required to be given to whether there are significant benefits that justify the development in this particular location; and if so, does this outweigh any adverse impacts.

There are significant economic benefits from the proposed redevelopment of this site. Office developments within this area don't currently command prime rents in comparison to other city centre locations and newer office developments. An office building of advanced age with outdated facilities would be replaced by a modern office development in a strategic location. The new development would be expected to generate an uplift of 888 full time equivalent posts. In addition, it is expected that there would be an increase of £63.4 million GVA per annum (2019 prices) to the local economy. The strategic location at a transport hub reinforces the potential for these economic benefits to be delivered. This gives some weight to the argument that these benefits can only be delivered at this location.

The revised scheme for the smaller building at this location has sought to balance the economic requirements of the delivery of an office scheme in this location with the impacts on the setting of the listed building.

In its operation, the building would be net zero in its operation and would contribute to the Council's objective of being a net zero carbon city. This objective is reinforced by the highly accessible location which will promote sustainable travel modes. The net zero measures are however more expensive to implement than an equivalent building meeting the building regulations.

Conclusion in relation to the listed building

In considering the Planning (Listed Building and Conservation areas) (Scotland) Act 1997 it is considered that whilst there is an alteration to the setting of the Category A Listed Haymarket Station in specific views that there is not a negative impact.

b) The proposals comply with the development plan.

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

- NPF 4 - Liveable Places Policies 14,15,18 and 19
- NPF 4 - Productive Place Policies 26 and 27
- LDP Des 1, Des 3, Des 4, Des 5, Des 7, Des 8 and Des 11;
- LDP transport policies Tra 2, Tra 3 and Tra 4.
- LDP delivery policy Del 1 and Del 2; and
- LDP employment policy Emp 1, Emp 9 and Emp 10.

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

Principle of Development

NPF 4 Policy 27 supports the development of sites within city centres for developments which generate significant footfall including office developments. This is further strengthened through LDP policies Emp 1 (Office Development) which supports high quality office development located in the city centre. The policy recognises the importance of office-based businesses in providing jobs and contributing to economic growth. The city centre is a prime location for office space due to proximity to other office, service and transport hubs.

LDP Policy Del 2 (City Centre) supports development in the City Centre which retains and enhances its character, attractiveness, vitality and accessibility and contributes to its role as a strategic business and regional shopping centre and Edinburgh's role as a capital city.

The proposal complies with NPF 4 policy 27 and LDP Policy Emp1 and Del 2 through the creation of a high-quality office development in the City Centre, and most notably within an area which is highly accessible by sustainable transport modes.

Character and Appearance of Conservation Area

NPF 4 Policy 7 (d) seeks to ensure that development proposals affecting conservation areas should ensure that the character and appearance is preserved or enhanced. In particular the character of the area, existing density, built form, layout and context should all be considered in the assessment of proposals.

The site lies out with both the New Town and Coltbridge and West Coates Conservation Area but has a direct relationship to the setting of these areas.

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

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

In particular it is stated that "*The New Town has very consistent heights and a cohesive skyline and is particularly susceptible to buildings that break the prevailing roof and eaves height and impinge on the many important views. It is also important to protect the character of the Conservation Area from potentially damaging impact of high buildings outside the Conservation Area.*"

The Coltbridge and Wester Coates Conservation Area Character Appraisal identifies the key characteristics as: -

- the defined relationship between the edge of the conservation area and the New Town Conservation Area;
- views and vistas in and around Donaldson's School are an important feature;
- spatial structure is dominated by the set piece of Donaldson's School and a rectangular street grid occupied by large, detached and semi- detached villas in generous feus.

The key aspect of the impact on the setting of the Conservation Areas is in the increase in height of the building (when compared to the existing situation) and the disruption this causes to the skyline and vistas from within the Conservation Area. The impact on the New Town Conservation Area is considered to have a greater weight than the impact on Coltbridge and Wester Coates given the separation from the site.

The proposed building height is approximately 24.9 metres higher than the existing building on the site and approximately 19.4metres higher than the adjacent tenements which form the southern edge of the New Town Conservation Area. A Townscape and Visual Impact Appraisal (TVIA) has been submitted to support the proposals.

The proposals have been reduced in height from the original submission to lessen the difference in overall height between the site and the adjacent conservation area. Whilst out with the conservation area it is important to consider the relationship the building has with the conservation area.

The development site sits within the background of a commercial area which is distinctly different to the tenemental style of the conservation area. The site is also set back from the southern building line of Haymarket Terrace which reduces the overall impact on the conservation. The presence of a key transport interchange also signifies the difference in the character of these areas. These factors all combine to support the form and massing of a building of the scale proposed. It is considered that the proposed development will not have an adverse impact on the setting of the conservation area.

Sense of Place, Design and Sustainability

The Haymarket Urban Design Framework (HUDF) was approved in 2008 and provides a context for future proposals for the redevelopment of sites within the wider Haymarket Area. However, it has generally been superseded through revisions to Local Development Plan Policy (refers to Central Edinburgh Local Plan 1997) and the Edinburgh Design Guidance. The delivery of the tram interchange within this area also alters the significance of this document. The HUDF does identify the application site as a development opportunity.

LDP Policy Des 1 - Design Quality and Context - provides that the design of a development should be based on an overall concept which draws upon the positive characteristics of the surrounding area, to create or reinforce a sense of place, security and vitality. It further provides that planning permission will not be granted for poor quality or inappropriate design, or for proposals which would be damaging to the area's character or appearance, particularly where this has a special importance. Likewise, LDP Policy Des 3 - Development Design - Incorporating and Enhancing Existing and Potential Features, supports development where it is demonstrated that the existing characteristics and features worthy of retention on the site and in the surrounding area have been identified, incorporated and enhanced through its design. LDP Policy Des 4 - Development Design - Impact on Setting - states that development should have a positive impact on its surroundings in terms of height and form, scale and proportions and materials and detailing.

Height and Design

In terms of general character, the site lies within the heart of Haymarket. The area is characterised by tenemental buildings mixed with office development at a scale of four to five storeys. LDP Policy Des 1 - Design Quality and Context, states that a proposal should demonstrate how it will contribute towards a sense of place. Design should be based on an overall concept that draws upon positive characteristics of the surrounding area. The design justification for the increased height is predicated on scheme viability and a maximisation of the development plot.

The proposed height of the development has been altered to address the previous concerns regarding the impact on the surroundings and character of the wider area. The proposed scale and massing of the building will be a significant alteration on the current building height. In considering the capacity of the site to accommodate a building of this scale and massing a visual assessment was submitted in support of the proposals.

Viewpoints 7, 8 and 9 illustrate the views of the development from the south of the site. Viewpoint 8 from Distillery Lane illustrates the changes that have been made to the scheme to alter the elevational treatment and break the long continual elevational that was previously proposed. The breaking up of the mass and articulation of the elevation reduces the overall impact of the proposals within this view. The proposal creates a new visual focus in outward views to the west from the city centre.

LDP Policy Des 4 part d) considers whether the materials and detailing are appropriate to the context. The section of the Haymarket Terrace elevation seeks to introduce an articulate and refined response to the street. This combined with the revised elevational treatment to the southern elevation provides a more rounded and complete building. The proportions and detailing of the building responds positively to the context.

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

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

Whilst the proposed development when viewed from Wester Craiglockhart Hill does not obstruct St Mary's Cathedral, the Caledonian Distillery Chimney or Donaldson's Hospital, it does introduce a sizeable middle ground element in the context of these landmarks, which is notable by the height mass and scale of the southern elevation.

The scale and form of the building has been reduced and refined to ensure that there is not a single massing evident within the longer viewpoints. The proposals will not impinge on the skyline and are considered appropriate within the city skyline.

Layout

In comparison with Rosebery House which largely sits behind a wall on Haymarket Terrace, the proposed building would have a better relationship with the street and tram stop area through the formation of a widened footway and entrance which opens directly onto this space. This is in accordance with Policy Des 7 - Layout Design which seeks layouts which encourage walking and cycling. In relation to layout, the requirements of Network Rail on queue management for the station when large events are taking place, is discussed below. The building position along the western boundary will be pulled back from the existing building line and will widen the footpath within this area.

Conclusion

There is an improvement to the layout of the site in comparison with the existing situation. The design and form of the key public elevation on Haymarket Terrace frontage is attractively designed. The proposal will be a significant alteration within the townscape of this area. This design response is considered appropriate within this city centre location at a key interchange. NPF 4 in its overall strategy supports higher density development which will help to sustain public transport and support local living. The redevelopment of this site as a higher density development supports these principles.

Sustainability

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

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

The applicant has submitted an additional supporting statement which provides commentary on the design of the proposals to achieve Net Zero Carbon in operation. The provision of a net zero building supports the Council's wider aspirations for net zero. The building would be fully electric and will reduce energy use through the use of heat recovery on the ventilations systems, low carbon heating and cooling through reversible heat pumps and photovoltaics on the roof. In addition the design has been revised to reduce glazing and incorporate solar shading elements into the façade. Opportunity would be taken to reuse and recycle materials from the demolition where possible.

The site is in a very sustainable location with access to a range of public transport options and linkages to existing and emerging active travel routes.

NPF Policy 3 seeks to protect and enhance biodiversity. It is acknowledged that there are limitations due to the constraints of the site and urban character of the area. However, the scheme has been adapted to include bird and bat boxes and incorporate native planting species within the new terraces. This will result in a net gain for the site from the existing condition.

Heritage Assets

World Heritage Site

The site lies out with but adjacent to the Old and New Towns of Edinburgh World Heritage Site (WHS). Policy ENV 1 - World Heritage Sites - seeks to ensure that development which would harm the qualities of the World Heritage Site should not be supported.

The potential impact on the WHS has been considered in the consultation response from HES who advise that there is limited impact on the approach to the WHS although there would be an impact on the views down Rosebery Crescent. Edinburgh World Heritage advise that the visual information submitted is insufficient to fully address the potential impact on the WHS. Drawing together the consultation advice and an assessment of the proposals it is considered that the proposed development does not have an impact on the Outstanding Universal Value of the World Heritage Site.

Archaeology

The site is acknowledged as being within an area of archaeological importance. The previous construction of an office on this site will have had an impact on archaeological remains. However, there still remains for archaeological remains to be present on site and should planning permission be granted then a condition requiring archaeological investigation and recording by a professional archaeological organisation should be attached.

Residential Amenity

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

Daylighting and Sunlight

Daylight

The site lies immediately opposite a traditional residential tenement which fronts on to Haymarket Terrace. There is a distance of 35 metres between the proposed new building and the existing tenements. The height of the new building opposite the residential properties will result in an increase of 19.4 metres at the highest point. The applicant has submitted a Daylight and Sunlight Assessment for the proposed development. This information was updated following the submission of the revised information. The potential adverse impact on daylight and sunlight has been raised in a number of the letters of representation received from residents within the tenements.

The information submitted in support of the application illustrates that when considering daylight and using the Vertical Sky Component (VSC) a total of 22% of windows across the range of properties fail this assessment. The majority of the windows to the south of the application site comply with the VSC component with only 1 window on Dalry Gait failing the VSC but passing the Average Daylight Factor (ADF). In comparison the properties along Haymarket Terrace and in particular along the central section range from 43% to 88% of windows passing the VSC.

The Edinburgh Design Guidance states that the layout of buildings in an area will be used to assess whether the proposed spacing is reasonable. The guidance also states that in more sensitive and densely planned parts of Edinburgh where development results in VSC reductions not meeting the guidance ADF calculations may be required by the Council. In this case because many windows fail the VSC test ADF calculations have been provided by the applicant.

The applicant has submitted supporting information within the daylight assessment report of the ADF Analysis. This analysis has confirmed that all of the windows have satisfied the ADF calculations.

The reduction in overall building height and the building being set back from the traditional building line along Haymarket Terrace assists to mitigate the impact of the new development.

Sunlight

There are no impacts on private amenity space from the proposed development.

Privacy/Overlooking/Outlook

The pattern of a development within an area will influence the acceptable level of privacy and outlook that should be afforded to any properties. The proposed new development is positioned on the same building line to the north and maintains the same relationship to Haymarket Terrace at lower levels. There are no adverse implications on privacy from the proposals.

However, through the increase in height to such a degree it is considered that there will be an impact on the outlook from these properties arising from the development. To the south and beyond the railway line there is less of an impact on outlook. Whilst there is an impact on outlook due to the size of the building, the immediate outlook of the residential properties is considered to be acceptable.

Noise

The site is located within the city centre adjacent to existing key transport hubs that come with a level of noise expected within the city centre. Any noise from the proposals would be limited to any plant requirements and if committee were minded to grant planning permission an appropriate condition could be attached to cover this matter.

Ground Contamination

The site has been previously developed and there is the potential that a contaminated land report would be required. Should the committee be minded to grant permission then a condition covering contaminated land matters could be attached.

Overall, it is considered that by virtue of the proposed height of the proposed development there would be an adverse impact on the proposed amenity of the adjacent residents contrary to LDP Policy Des 5 Development Design - Amenity and the Edinburgh Design Guidance.

h) Road Safety and Infrastructure

Access and Traffic Generation

A Transport Statement has been submitted in support of the application which provides an assessment of the transport considerations associated with the proposal. The Roads Authority requested that the application be continued to address some minor matters. These include inter-relationship between the site access and Haymarket Yards. Should the application be approved this could be further address with the applicant through condition. The level of parking has been reduced on site from 28 spaces to five EV spaces and three disabled spaces. The level of parking proposed is acceptable and complies with policy.

Edinburgh Trams have been consulted on the application and generally welcome the proposals subject to technical matters including asset protection and construction requirements.

Cycle Parking

LDP Policy Tra 3 - Private Cycle Parking - requires that developments make provision for cycle parking levels that comply with the levels set out in the Edinburgh Design Guidance. The development provides for 220 cycle parking spaces within the basement area of the building. The level of cycle parking complies with the Edinburgh Design Guidance. In addition, there would be Drying rooms, a cycle workshop area, lockers, changing areas and showers.

Should Committee be minded to approve the application it is recommended that a condition is attached to introduce a greater variation in cycle storage provision.

Infrastructure Requirements

The application if approved would be required to contribute £761,754. to the Edinburgh Tram in accordance with the Developer Contributions Guidance. This is based on the new additional floor space created. A legal agreement would be required to secure this contribution.

Network Rail

Network Rail are a consultee to the application due to the proximity to the operational railway and interaction with Haymarket station. Network Rail have objected to the application on the basis that the proposals will reduce the ability for queue management at Haymarket Station when large scale events take place within the city. The developers have offered a stepped access to mitigate the loss of the queue system. However, this has been rejected by Network Rail as an unmanageable situation. No agreement has been reached between the parties.

This an operational matter for the station to resolve with the applicants and current owners of the site.

Conclusion in relation to the Development Plan

The proposal complies with Edinburgh Local Development Plan (LDP) Policy Emp 1 - Office Development and Del 2 - City Centre through the creation of a high-quality office development in the City Centre, and most notably within an area which is highly accessible by sustainable transport modes. Due to the revised design and massing it is considered that the proposal is of an acceptable form for this key city centre location.

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

The following material planning considerations have been identified:

Emerging policy context

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

Equalities and human rights

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

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

Public representations

The revised proposals were advertised and re notified. A summary of the representations is provided below:

material considerations

- Design inappropriate through scale and massing and visual appearance;
- Impact on historic skyline.
- Outdated design which reflects brutalist buildings;
- Materials are inappropriate.
- Unacceptable impact on the setting of the listed Distillery Lane Tower and Haymarket Station;
- Adverse impact on the heritage assets within the City - a threat to the UNESCO World Heritage Site;
- Adverse impact on the conservation area
- Contrary to policy ENV 1 on the World Heritage Site
- Contrary to policies DES 4, DES 5 and Des 11 of the Local Development Plan.
- Proposals fails to enhance the character of the area contrary to Policy DEL 2
- Proposals based on Councils Commercial Needs Study 2018 - pre- pandemic and should be updated to consider now.
- Query demand for new office space post the pandemic

- Impact on privacy
- Loss of sunlight and daylight to neighbouring properties
- Reuse of the existing building should be the priority - demolition of the existing buildings is not a sustainable - waste of embodied carbon
- Not in line with the Councils Climate Strategy 2030
- Increase in traffic and congestion.
- Noise and air pollution retention within the street
- Not enough parking spaces for so many staff
- Careful consideration to drainage required.

Non- Material

- Noise/ dust and disturbance from proposed demolition and construction works.
- Remove view.
- Impact on access to private parking area
- Reduction in value of property
- Impact on amenity of adjacent commercial operations - driving rents down in the area
- No Good Neighbour Agreement in Place
- Impact on Views
- Access for Rugby Fans.

Support

- Reduced parking.
- Electric charging.

Dalry Community Council - Objects to the scheme

- Impact on residents - Size and scale
- Change to the appearance of Caledonian Village
- Scale and height
- Lack of public realm/public space
- Architectural quality
- Proposal contrary to LDP policies Des 1, Des 4, Des 8, Des 11 and Env 1

West End Community Council - Objects to the Scheme

- Proximity to the Conservation Area and World Heritage Site
- Proposed height dwarfs the residential tenements.
- Traditional materials should be considered.
- Adverse impact on daylight and sunlight
- Impact of plant on upper floors
- Light emissions from large, glazed area.
- Are photovoltaics appropriate near to the World Heritage Site

Conclusion in relation to identified material considerations.

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

Overall conclusion

The proposal would deliver a modern office which would be net zero carbon in its operation and therefore highly sustainable. Due to its size the building would deliver considerable economic benefit. The unattractive Rosebery House, which does not contribute positively to the area in its layout and appearance, would be removed.

The building is near to the Category A Listed Haymarket Station which is an important building within the Haymarket area. In accordance with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, there is a strong presumption against granting planning permission if there is harm to a listed building or its setting.

The building height and form has been revised to reduce the impact on the setting of the A Listed Haymarket Station. The revised proposals are not considered to have an adverse impact on the setting of the A Listed Building.

The proposals are in accordance with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The proposal complies with Edinburgh Local Development Plan (LDP) Policy Emp 1 - Office Development and Del 2 - City Centre through the creation of a high-quality office development in the City Centre, and most notably within an area which is highly accessible by sustainable transport modes.

There are no material considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. No demolition nor development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
3. 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.
- 4. A detailed specification, including trade names where appropriate and samples where requested, of all proposed external materials shall be submitted to, and approved in writing by, the planning authority before work is commenced on site. Development shall then take place in accordance with the materials approved.
- 5. Prior to the occupation of the development a scheme for the inclusion of 20% non- standard cycle parking spaces shall be submitted and agreed with the Planning Authority and the cycle parking as approved installed.

Reasons

- 1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2. In order to safeguard the interests of archaeological heritage.
- 3. Due to the previous nature of the site.
- 4. In order for the Planning Authority to consider further.
- 5. In the interest of sustainable travel.

Informatives

It should be noted that:

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

Transport

- the sum of £761,754. to the Edinburgh Tram.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 22 July 2021

Drawing Numbers/Scheme

1- 9, 10-15a, 17a, 18a, 19b,20a, 21a, 22

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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Appendix 1

Summary of Consultation Responses

NAME: West End Community Council
COMMENT: Object to the proposals.
DATE: 27 August 2021

NAME: Gorgie Dalry Community Council
COMMENT: Object to the proposals.
DATE: 16 August 2021

NAME: Historic Environment Scotland
COMMENT: Do not consider that the setting of Haymarket Station or the OUV of the World Heritage Site would be significantly diminished that would warrant objection. Further clarity of visuals required.
DATE: 27 August 2021

NAME: Archaeology
COMMENT: Condition required.
DATE: 19 August 2021

NAME: Economic Development
COMMENT: It is estimated that the proposed development would support approximately 1,392 FTE jobs and £99.3 million of GVA per annum (2019 prices), compared to 504 FTE jobs and £35.9 million of GVA per annum (2019 prices) supported by the existing building if fully let: an increase of 888 FTE jobs and £63.4 million of GVA per annum (2019 prices). The development would deliver a modern office building in a strategic location.
DATE: 2 August 2021

NAME: Edinburgh Trams
COMMENT: Edinburgh Trams welcomes the development. Technical aspects to be addressed directly with applicant.
DATE: 29 July 2021

NAME: Edinburgh World Heritage
COMMENT: Additional visuals required to assess the proposals.
DATE: 13 September 2021

NAME: Network Rail
COMMENT: Network rail object on the grounds that the proposals as it stands could adversely affect the operation of neighbouring Haymarket Station and the public transport network during special events.
DATE: 12 August 2021

NAME: Gorgie Dalry Community Council
COMMENT: Maintain objection.
DATE: 17 December 2022

NAME: Network Rail
COMMENT: Maintain objection to the scheme.

DATE: 28 December 2022

NAME: Archaeology

COMMENT: Maintain previous comments.

DATE: 28 December 2022

NAME: Economic Development

COMMENT: Maintain previous comments.

DATE: 29 December 2022

NAME: Historic Environment Scotland

COMMENT: Do not object but have concerns on the local views of Haymarket station. Significant long views are unaffected.

DATE: 1 March 2022

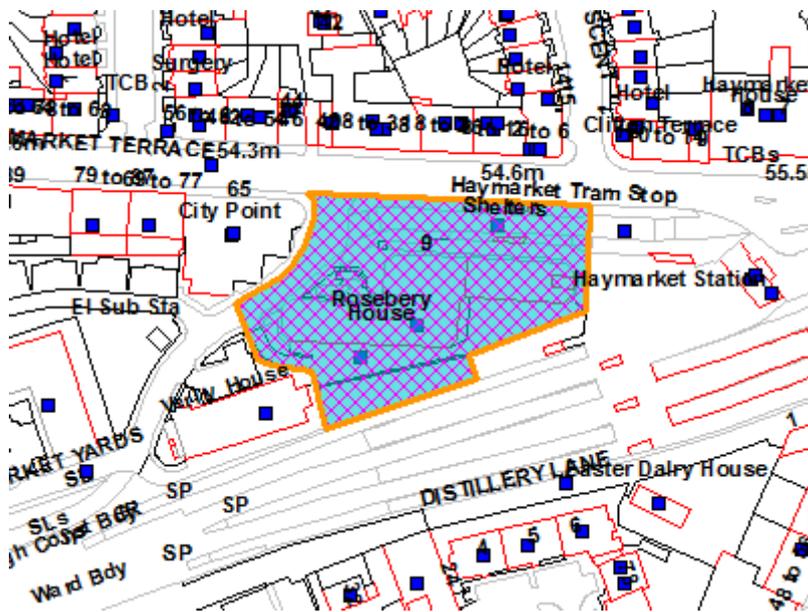
NAME: Edinburgh Trams

COMMENT: No change to previous comments

DATE: 28 December 2022

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

Location Plan



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