

Development Management Sub Committee

Wednesday 29 January 2014

**Application for Planning Permission 13/02663/FUL
At 34 Bread Street, Edinburgh, EH3 9AF
Installation of 15 no. condenser units with 2.2m high
acoustic screening on roof of single storey extension to rear
of hotel (as amended).**

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| Item number | 4.1(a) |
| Report number | |
| Wards | A11 - City Centre |

Links

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| <u>Policies and guidance for this application</u> | LPC, CITE3, CITE4, CITE6, CITD11, NSG, NSLBCA, NSBUS, OTH, CRPWEN, |
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Executive summary

**Application for Planning Permission 13/02663/FUL
At 34 Bread Street, Edinburgh, EH3 9AF
Installation of 15 no. condenser units with 2.2m high
acoustic screening on roof of single storey extension to rear
of hotel (as amended).**

Summary

The proposals comply with the development plan policies, preserve the character and appearance of the conservation area and have no adverse effect on the special character of the listed building or its setting. Residential amenity will not be adversely affected. There are no material considerations which outweigh this conclusion.

Recommendations

It is recommended that this application be Granted subject to the details below (in section 3 of the main report).

Financial impact

There are no financial implications to the Council.

Equalities impact

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

Sustainability impact

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

Pre-Application Process

There is no pre-application process history.

Publicity summary of representations and Community Council comments

The application was advertised on 19 July 2013. Thirteen letters of representation were received. Four of the letters were from the same representee.

The letters of representation raised the following material issues:

- increased noise;
- impact on residential amenity;
- close proximity to bedroom windows of flats;
- alternative siting on top floor of hotel roof should be investigated;
- proposed increase in number of units from 8 no. to 15 no. yet building in same hotel use;
- installation has started without consent; and
- visual amenity

Non-material issues:

- Devaluation of property values;
- Inaccuracies in the site plan. A revised site plan was re-issued by the agent;
- Lack of neighbour notification. Neighbours were re-notified on 2 August 2013; and
- Concern regarding work starting on site without formal consent has been investigated as a separate Enforcement matter.

A full assessment of representations can be found in the main report in the Assessment section.

Background reading / external references

- **To view details of the application go to**
- [Planning and Building Standards online services](#)

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1. Background

1.1 Site description

The application site comprises the Point Hotel, a 4-storey former department store, now hotel, bars and restaurant, designed by John Mclachlan 1892, TP Marwick 1898 and 1914; T Waller Marwick, 1937. The hotel occupies a prominent corner site on the south side of Bread Street at its junction with East Fountainbridge.

The property is category A listed (listed on 1 June 1979, LB Ref 28347).

The application relates to the rear of the hotel site. The rear elevation of the hotel is utilitarian in design with 2 large single storey extensions. Materials for this elevation are predominantly red brick with a significant number of modern window infills. The extension to the west forms the roof of the Chanter Bar. The extension to the east forms the roof of the hotel office. The extensions have existing mechanical plant on the roof. There is an existing emergency escape route from the hotel across the roof of the extension to the west and down to the service yard at ground level from a metal staircase.

The rear elevation of the hotel is overlooked by the modern 5 storey residential tenement building on East Fountainbridge. The rear of the hotel and the modern flats form a tight, tapering courtyard around the roof tops of the hotel extensions. There is a service yard and small car parking area between the rear of the hotel and the rear of the tenement. This area is accessed from Bread Street Lane. The service yard provides a shared access for the kitchens of the Point Hotel and also for private underground parking for the flats.

The site is within the World Heritage Site.

This property is located within the West End Conservation Area.

1.2 Site History

The history stated below relates also to 30-32 and 34-58 Bread Street, as they were all part of the St Cuthbert's Co-operative Association, later Scotmid, until vacated in 1992.

February 1993 - planning permission was granted for the redevelopment and refurbishment of 28-34 Bread Street, 18-34 East Fountainbridge to provide offices, art gallery and writers forum (reference 1006/90/18). Planning permission, listed building consent and conservation area consent were refused for extensions and demolitions to the building.

August 1993 - planning permission granted for the change of use of the property at 28 Bread Street from retail to leisure on part of ground, first and second floor levels (application reference A 00705/93).

November 1994 - planning permission, listed building consent and conservation area consent granted for change of use from retail to hotel with ancillary public accommodation at 34-58 Bread Street (application reference A 01250/94).

April 1995 - planning permission and listed building consent granted for change of use from retail to retail at ground floor, leisure at first and second floors and offices at third and fourth floors at 28 Bread Street (application reference A 01208/94).

July 1995 - planning permission granted for a change of use from retail to leisure use at ground and basement floors and office at first and second floors at 28 Bread Street (application reference A 01386/95).

April 1996 - planning permission and listed building consent granted for the redevelopment of the existing retail premises to create 43 bedroom hotel extension and bar restaurant at 30-32 Bread Street (application reference A 01183/95).

November 1996 - duplicate applications for planning permission and listed building consent granted for redevelopment of the retail and leisure premises to extend hotel, demolish buildings to rear and create 12 car parking spaces (references A 01530/96 and A 01531/96). This consent included a restaurant on the ground and basement floors.

September 1999 - planning permission granted for the erection of a glazed canopy and remodelling of entrances. (97/03272/FUL).

March 2000 - planning and listed building consent applications withdrawn for the change of use of the ground and basement floors at 28 Bread Street to restaurant/public house (application reference 99/03574/FUL/LBC).

July 2000 - listed building consent granted for the alteration and extension of the penthouse level of hotel (application reference 00/01830/LBC).

August 2000 - planning permission granted for the alteration and extension of the penthouse level of hotel (application reference 00/01830/FUL).

October 2000 - planning permission granted for a change of use from leisure (Laserquest) to conference facility (application reference 00/02704/FUL).

August 2010 - certificate of lawful use granted for the existing use or development as a hotel (10/01983/CLE).

June 2013 - listed building consent granted for the existing entrance doors to be replaced and new glazed entrance vestibule to be formed internally (13/01451/LBC).

August 2013 - applications withdrawn for advert consent and listed building consent for new hotel signage (13/02260/LBC and 13/02261/ADV).

Application under consideration for the installation of dry riser outlet and installation of rooftop plant area and associated screening (13/02649/LBC).

Retrospective application under consideration for the installation of a single air handling unit serving Monboddo Bar. Unit located on the first floor roof at the rear of the property (as amended). (13/03873/FUL and 13/03874/LBC).

Applications under consideration for new hotel signage (13/04174/ADV and 13/04177/LBC)

Enforcement history for hotel

June 2000 - enforcement investigation closed relating to unauthorised alterations (00/00234/ENCOMP).

November 2004 - enforcement investigation closed relating to breach of condition regarding plant noise (03/00838/ECOU).

June 2013 - enforcement investigation closed relating to the erection of metallic panels on roof (13/00151/ELBB).

July 2013 - enforcement investigation pending regarding the installation of plant machinery on the rear roof (13/00392/ELBB).

2. Main report

2.1 Description Of The Proposal

It is proposed to erect 15 new condenser units on the roof of the single storey extension to the rear of the hotel site. The proposed works form part of the refurbishment of The Point Hotel and will provide new comfort cooling and heating to 138 bedrooms. The application also proposes the installation of a small dry riser inlet at ground floor level on the East Fountainbridge elevation, adjacent to one of the emergency exits for the hotel.

The condenser units will be located on the roof of The Chanter Bar, which is part of the hotel ownership. The works are partially in retrospect as the steel framework supports have been installed. Each unit will be 2 m. in height and will be approximately 215 kg in weight. The units will be screened by an acoustic screen (7.3 m in width x 4.3m in depth). The screen will be 2.2m in height at the side elevations and 2.5 m in height at the front. The acoustic screen will have timber louvres set on top to form a visual screen.

The agent has stated that the main roof of the hotel was found to be structurally unsound to bear the weight of each of the 215 kg units plus any additional screening requirements. The roof of the main hotel is a later addition and a replacement for the original 19th century pitched roof structure. It has a timber frame construction and has limited load bearing capacity. The single storey extension has a steel framed structure.

The proposals have been amended and the units have been pulled back from the edge of the roof by approximately 2 metres, retaining perimeter access for an escape route. The amended scheme maintains the acoustic screen. The new acoustic screen

enclosure will be adjacent to the enclosure for the existing units which serve The Chanter public bar, located below.

The original application comprised the installation of the 15 no. condenser units aligned with the perimeter of the roof.

Supporting Information

The agent has provided additional information in support of the application by email dated 29 August 2013. This provides information on the structural capacity of the options, visual amenity and accessibility. The agent has stated that the main roof of the hotel was found to be structurally unsound to bear the weight of the units plus any additional screening requirements and also that it would be visible from the castle. This document is available to view on the Planning and Building Standards Online Services.

2.2 Determining Issues

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of consent.

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

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?

2.3 Assessment

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

- a) the proposals adversely affect the special architectural or historic interest of the listed building;
- b) the proposals have an adverse impact on the character or appearance of the conservation area or the setting of the listed building;
- c) there is any adverse impact on residential amenity;
- d) any impacts on equalities or human rights are acceptable; and
- e) comments raised have been addressed.

a) Impact on the Listed Building

The front elevation of the hotel is of significant architectural and historic merit.

The rear elevation of the hotel site is, however, of little architectural or historic merit and has been compromised by unsympathetic additions and alterations. The rear elevation is predominantly red brick finish with some glazed white tiled areas. There are also a significant number of infilled window openings. The large extensions to this elevation are also modern and similarly utilitarian in appearance. The location of the condenser units in their revised positioning adjacent to an existing mechanical ventilation enclosure is acceptable.

The revised positioning of the condenser units to a less conspicuous location on the flat roof of the extension is acceptable and complies with policy. The proposed acoustic screen will also lessen the effect in terms of visual impact. A condition will ensure that further details of the finish of the screen will be provided.

The revised proposals have no impact on the special architectural or historic interest of the listed building.

b) Impact on the Character and Appearance of the Conservation Area and the setting of the listed building.

The West End Character Appraisal states that 'the area is characterised by a rich diverse grouping of architectural styles and buildings, generally comprising tenemental blocks using stone and pitched, slated roofs. The area is harmonious in scale despite the presence of large cultural buildings. In the 1890s the St. Cuthbert's Co-operative Association built a department store, which infilled the block between Bread Street and Fountainbridge. This was remodelled in the 1930s and given a simple glazed curtain wall. In the 1990s this building was adapted to become the Point Hotel'.

Due to the enclosed nature of the service yard to the rear of the property the revised positioning of the units will be largely hidden from public views. The proposed screen enclosure will further obscure the presence of the units. The revised positioning in an inconspicuous location is acceptable. There will be no adverse impact on the appearance of the conservation area. As stated above, the Point Hotel is an important feature of the conservation area. The additions will not affect its role as a key building and the character of the area will be maintained.

The setting of the building is its prominent corner position where it acts as a focal point for views in and out of the area. The positioning of the building in this setting is unaffected by the proposals.

The proposals will preserve the character and appearance of the conservation area and the setting of the listed building.

c) Impact on residential amenity

The rear elevation of the hotel is already overlooked by residential flats in East Fountainbridge to the south. The buildings form a tight, tapering courtyard around the roof tops of the extensions. Due to this tapering layout the closest part of the hotel extension is approximately 2.7m from the residential properties. Residential amenity is

already compromised by the close proximity to the hotel extensions and to the existing plant equipment on the extension roofs.

The amended scheme was submitted following extensive on site meetings with the agents, Environmental Assessment and Planning. The amended scheme has pulled back the condenser units from the perimeter of the west-most extension by approximately 2 metres. The layout of the units has been amended and will be arranged in three rows, and aligned with the existing plant enclosure for Chanters Bar. The closest unit will be approximately 5.5m from the rear elevation of the flats. The acoustic screen will be approximately 5 m at the nearest point from the rear elevation of the flats. The amended positioning and proposed acoustic screen will alleviate concerns regarding the impact on residential amenity.

An amended Noise Impact Assessment was also requested from the agent so that it could be demonstrated that the proposed new plant equipment would not breach NR25 within any nearby living apartment, and also to show that the total noise of all the plant equipment on the roof (proposed and existing combined) would not be in excess of the current background noise level and therefore unlikely to lead to complaints. The agent has provided an additional plan (483/PL 120 rev A) which demonstrates the amended layout of the proposed units and their proximity to the tenement. The plan also shows the single Air Handling Unit on the adjacent east-most roof, which will serve the Monbodo Bar and is the subject of the associated applications for both listed building consent and planning consent (13/03873/FUL and 13/03874/LBC). A revised Noise Impact Assessment dated 19 November 2013 also demonstrates the cumulative effect of both installations.

The assessment concluded that in conjunction with the proposed acoustic screening and louvers to attenuate noise output, NR25 would not be breached by the proposed 15 A/C units. The report also shows that the existing background noise level in the area is higher than the proposed new combined noise level of all plant equipment in the area (with all acoustic attenuation measures in the report implemented).

It should be noted that the agent has confirmed that although this application is for the installation of 15 condenser units to be situated on the flat roof area (and that the noise impact assessment has been carried out assuming 100% use of 15 units), it is very unlikely that any more than 7 of them will operate at the same time due to the nature of individual room usage within the hotel.

The site is in existing use as a hotel. The proposed new heating and cooling system is a requirement of the new hotel operator. An alternative site on top of the main hotel roof was considered but is not feasible due to structural issues. The main roof is also visible from Edinburgh Castle.

The original consent for the conversion of the site to hotel use is still enforceable. Previous planning applications for the hotel from 1994 (A/01250/94) - change of use from retail to a hotel) and 1996 (A/01183/95) - 43 bedroom extension) both were granted subject to NR25 being achieved within any nearby living apartment. These conditions are still in force and will apply to any new proposals for the hotel site.

Environmental Assessment has no objections to this proposed development, subject to a condition that the acoustic mitigation measures recommended in the noise impact assessment (R-6129C-EK1-MI) are implemented in full.

d) Equality and Human Rights Impacts

The proposals do not raise any equalities or human rights impacts.

e) Public comments

Material comments

- increased noise - this is addressed in section c)
- impact on residential amenity - this is addressed in section c)
- close proximity to bedroom windows of flats - this is addressed in section c)
- alternative siting on top floor of hotel roof should be investigated - this is addressed in section c)
- proposed increase in number of units from 8 no. to 15 no. yet building in same hotel use - this is addressed in section c)
- visual amenity - this is addressed in sections a) and b)

CONCLUSION

To conclude, the proposal complies with the development plan and non-statutory guidance. There will be no impact on the special architectural and historic interest of the listed building. The character and appearance of the conservation area and the setting of the listed building will be preserved. There are no other material planning considerations which outweigh this conclusion.

3. Recommendations

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

3.2 Conditions/reasons

1. Details of the materials and design for the screen enclosure shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
2. The acoustic mitigation measures recommended in the noise impact assessment report 'Combined plant noise assessment - Point Hotel, Edinburgh (R-6129C-EK1-MI)' are implemented in full prior to the installation of the equipment.

Reasons:-

1. In order to enable the Head of Planning Authority to consider this/these matter/s in detail.

2. In order to safeguard the amenity of neighbouring residents and other occupiers.

Informatives

It should be noted that:

1. This consent is for planning permission only. Work must not begin until other necessary consents, e.g. listed building consent, have been obtained.
2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

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| Statutory Development Plan Provision | The site is within the Central Area as identified in the Edinburgh City Local Plan. |
| Date registered | 10 July 2013 |
| Drawing numbers/Scheme | 2-3, 4A, 5, 6A, 7,8, Scheme 2 |

David R. Leslie

Acting Head of Planning and Building Standards

Links - Policies

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

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.

Policy Env 4 (Listed Buildings – Alterations & Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

Policy Env 6 (Conservation Areas Development) sets out criteria for assessing development in conservation areas.

Policy Des 11 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

Relevant Non-Statutory Guidelines

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

Non-statutory guidelines 'GUIDANCE FOR BUSINESSES' provides guidance for proposals likely to be made on behalf of businesses. It includes food and drink uses, conversion to residential use, changing housing to commercial uses, altering shopfronts and signage and advertisements.

Other Relevant policy guidance

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.

Appendix 1

Consultations

HISTORIC SCOTLAND

We have considered your consultation and have no comments to make on the proposals. We confirm that your Council should proceed to determine the application without further reference to us.

ENVIRONMENTAL ASSESSMENT

The applicant proposes the installation of a roof top plant area (15 air conditioning units) at the Point Hotel. The roof top is low level and overlooked by the rear of the hotel to the north and residential properties in East Fountainbridge to the south, these buildings form a tight, tapering courtyard around the roof top site. Due to this tapering layout the closest part of the proposed plant equipment is very close to the residential properties to the south. There are various other pieces of existing plant equipment in and around the area.

A noise impact assessment was requested from the agent so that it could be demonstrated that the proposed new plant equipment would not breach NR25 within any nearby living apartment, and also to show that the total noise of all the plant equipment on the roof (proposed and existing combined) would not be in excess of the current background noise level and therefore unlikely to lead to complaints.

The assessment concluded that in conjunction with the proposed acoustic screening and louvers to attenuate noise output, NR25 would not be breached by the proposed 15 A/C units. The report also shows that the existing background noise level in the area is higher than the proposed new combined noise level of all plant equipment in the area (with all acoustic attenuation measures in the report implemented). This is an indication that complaints regarding noise from the proposed new plant equipment are not likely.

It should be noted that the agent has confirmed that although this application is for the installation of 15 A/C units to be situated on the flat roof area (and that the noise impact assessment has been carried out assuming 100% use of 15 units), it is very unlikely that any more than 7 of them will operate at the same time due to the nature of individual room usage within the hotel.

Previous planning applications for the hotel from 1994 (A0125094 - change of use from retail to a hotel) and 1996 (A 01183/95 - 43 bedroom extension) both were granted subject to NR25 being achieved within any nearby living apartment. These conditions are still in force.

Environmental Assessment has no objections to this proposed development, subject to the following condition:

1. *The acoustic mitigation measures recommended in the noise impact assessment report 'Combined plant noise assessment - Point Hotel, Edinburgh (R-6129C-EK1-MI)' are implemented in full.*

Informative:

1. *The design, installation and operation of any plant equipment should be such that any associated noise complies with NR25 within any nearby living apartment*

Location Plan



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