

Development Management Sub Committee

Wednesday 22 February 2017

**Application for Planning Permission 16/00682/FUL
At 130 Constitution Street, Edinburgh, EH6 6AJ
Alteration and change of use of existing office and
warehouse to form 25 room boutique hotel and flatted
development.**

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| Item number | 4.2 |
| Report number | |
| Wards | A13 - Leith |

Summary

The hotel use and flatted development are acceptable in principle in this location. The form and design restore a substantial proportion of the existing built fabric and retain the character and appearance of the conservation area. Impact upon neighbouring amenity is acceptable. Parking and access are acceptable. The proposals comply with development plan policies and non-statutory guidelines. No other considerations outweigh this conclusion.

Links

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| <u>Policies and guidance for this application</u> | LDPP, LDES01, LDES12, LEMP10, LHOU01, LEN21, LEN04, LEN06, LTRA02, NSG, NSLBCA, NSP, NSDCAH, |
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Report

Application for Planning Permission 16/00682/FUL At 130 Constitution Street, Edinburgh, EH6 6AJ Alteration and change of use of existing office and warehouse to form 25 room boutique hotel and flatted development.

Recommendations

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

Background

2.1 Site description

The site primarily fronts onto two sections of Coatfield Lane, but with a 10 metre wide section facing onto Constitution Street. The site as a whole extends to 923 square metres and contains a rendered two storey Victorian office at its Constitution Street (east) end with various stone-built warehouses behind. At the extreme west, these warehouses have stood in a state of partial demolition since the 1950s. The broken remnant contains a single storey garage within the partially demolished walls at this side.

Adjoining the site on its south-east side is a two storey 18th century vernacular building, used as an office. This is listed category B (reference no: 27379, listed on 20 February 1985). The north wing of a further category B listed building attaches the southern boundary (reference no: 27386, listed on 14 December 1970). A modern block of flats stands to the immediate south-west, within what was previously the rear courtyard of the latter listed building. This rises to five storeys in height and sits along the majority of the south boundary.

To the immediate west lies a wide area of public parking, with low-rise (four storey) 1970s Council housing beyond and to the north. The tower block "Linksvie House" is visible to the north-west, and the tower-block "Kirkgate House" is visible to the south. Port of Leith Housing Association has their main office on the opposite side of the lane to the north-east.

This application site is located within the Leith Conservation Area.

2.2 Site History

26 January 2016 - previous application for a mixed use development on a wider site, encompassing the listed building to the south-east, was withdrawn (planning reference: 15/05013/FUL).

Main report

3.1 Description Of The Proposal

The application proposes restoration and conversion of a group of buildings on Coatfield Lane and a partial new-build element to the west (built as an extension to the existing buildings) and also within the site interior (on its concealed southern boundary). The new-build element to the west is built as an extension to the existing building group and rises to six storeys in height (to match the building to the south). This section incorporates fragments of warehousing still extant on the north side of the site.

The development will provide a 25 bedroom boutique hotel (to the centre and east) and nine private flats (to the west). The mix of flats is: four studio flats; three one-bedroom flats; and two two-bedroom flats. Studios range in size from 36 to 38 square metres, one bedroom flats are all 53 square metres, and two bedroom flats range from 66 to 71 square metres.

The proposal includes a ramped car park, accessed from the west, and largely lying at basement level. This will accommodate 19 vehicles: 15 fully at basement level and four at ground floor level.

A Noise Impact Assessment was submitted with the application. This can be viewed on the Planning and Building Standards on-line services.

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.

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

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:

- a) the principle of the proposed uses is acceptable;

- b) the scale, form and design are appropriate to the character and appearance of the conservation area;
- c) parking and road safety issues are considered;
- d) the proposal would impact upon neighbouring amenity;
- e) amenity of the proposed housing is adequate;
- f) flood risk is assessed;
- g) infrastructure is considered;
- h) archaeological interests are considered;
- i) comments made have been addressed; and
- j) equality and human rights issues have been addressed.

a) Proposed Uses

Policy Hou1 of the Edinburgh Local Development Plan (LDP) applies to the housing element within the proposal. The immediate area is predominantly residential and housing use is acceptable in principle, subject to other policy requirements being met.

The density of the proposal (at 121 units per hectare) is comparable to other residential developments in the area.

LDP policy Emp 10 - Hotel Development supports hotel use "in locations within the urban area with good public transport access to the city centre". Constitution Street meets this definition and is a suitable location for hotel use.

In conclusion, the proposed mix of uses is acceptable in principle.

b) Impact on the Conservation Area

Leith Conservation Area Character Appraisal states that Constitution Street *echoes the traditional street pattern. Although Constitution Street has been widened in many parts, many of the narrow original plot widths reflected in the building frontages and the differing heights are reminders of the earlier street pattern. The traditional spatial structure is still apparent in the network of narrow streets and lanes with their changing widths and curving layouts that lead from the western part of the Shore.*

LDP policy Env 6 considers impact upon the character and appearance of the conservation area. Coatfield Lane is unchanged in its layout since the 18th century, but the Kirkgate to the west (and adjacent car park) contains none of its historic layout.

The majority of the proposal is contained within existing buildings, and represents a welcome retention of these elements. The new-build element retains the broken silhouette of the demolished stone building on its northern side as it currently stands.

No historic elements are lost from the outer public face of the development (other than adjustments to fenestration and currently blocked openings).

The new-build element represents only 20% of the outer curtilage, and adjoins a 21st century block of the same general scale and form on its south side. It faces the 1970s buildings of the central Kirkgate, atypical of the wider conservation area. In relation to the existing broken fragments at the west side of the site, the new-build element represents an improvement to the character and appearance of the conservation area.

As seen from Constitution Street, all buildings are retained and brought into a new use. As seen from the car park to the west, the new-build element blends with the adjacent new-build flats. A modern idiom is acceptable in this part of the site.

The retained elements are considered a major positive element within the proposal. The existing buildings are not listed and there is no requirement to keep 100% of their current fabric. The proposed design still retains the character of the lane and the solution is considered both effective and appropriate.

The net impact upon the character and appearance of the conservation area is positive and acceptable.

c) Parking and Road Safety

LDP policy Tra2, read in conjunction with the Council's Parking Standards, consider appropriate parking levels. The site lies within Zone 3a.

The proposal provides a large underground car park accessed from the existing car park to the west. The parking standards at least 10 spaces for the hotel plus nine spaces for the nine flats. A total of 19 spaces are proposed. The Roads Authority is satisfied that the proposed level of car parking is sufficient, given the site's proximity to public transport (and the proposed tram).

Minor changes to the perimeter would slightly increase the potential for on-street parking (due to removal of existing access points to the western garaging).

d) Impact on Neighbouring Amenity

The Edinburgh Design Guidance looks at impact upon privacy and daylight to neighbours.

The majority of the site is unchanged in terms of scale or window locations, and amenity levels to neighbours are unaltered.

The new-build element sits against the blank gable of the new flats to the south and does not cause any impact upon its amenity.

The building line matches that of the existing flats and impact upon privacy, across the parking courtyard to flats on the western side (facing the Kirkgate), is acceptable.

Residential buildings to the north have no windows facing the site and no privacy issues arise.

Environmental Protection commented upon ventilation within the hotel element. This is not normally required in advance for hotel use and a condition is added to address this issue.

e) Amenity of the Proposed Housing

The Edinburgh Design Guidance looks at impact upon privacy and daylight to occupiers of the proposed flats.

The housing element within the proposal generally faces westwards. All units will have adequate sunlight and daylight and are of sufficient floor space.

LDP policy Hou3 requires 10 square metres of open space per flat. Whilst the flats lack any private open space they lie only around 120 metres from Leith Links which provides ample amenity space. Paragraph 226 of the LDP (read in conjunction with the Open Space Strategy of December 2016) states that where proposals fail to meet the open space requirement, consideration should be made towards a potential payment towards improvements to public open space, where these spaces are identified as of lesser quality. Although Leith Links is identified in the Open Space strategy as not being of good quality, there is no currently identifiable need to improve Leith Links. A contribution towards improvement to the park is therefore not seen as necessary, particularly in relation to the low number of new flats contained within the development as a whole.

It is noted that the adjacent new flats to the south (and the Council flats opposite) also lack open space. The lack of open space is therefore not a reason to resist the application.

LDP policy Des5 contains an element considering noise to residents. The submitted Noise Impact Assessment considers noise from the hotel element to both the proposed and the existing residential elements. Internal noise transfer is further considered within the Building Warrant process. The juxtaposition of the two uses is therefore not a concern.

f) Flood Risk

LDP policy Env 17 considers Flood Protection.

The basement car park area has been assessed as having a degree of flood risk.

This issue has been addressed and the basement will be fitted with equipment to deal with any potential flood. There is no accommodation at this level.

This solution is acceptable.

g) Infrastructure

The housing element and type is too small as to require a contribution towards schools.

The site lies on an existing bus route and close to a major transport interchange at the foot of Leith Walk. The tram is proposed to run immediately adjacent to the site along Constitution Street. A legal agreement is sought, prior to the issue of planning permission, to secure an appropriate payment (£79,781) towards construction of the tram. The applicant has agreed to this sum.

h) Archaeology

As the site has potential archaeological interest a condition is added requiring an archaeological investigation.

i) Public Comments

Representations were received from 17 neighbouring residents plus the Architectural Heritage Society of Scotland (AHSS).

Material Comments

- the proposal is of poor design and will adversely impact on the conservation area - addressed in section 3.3 b).
- the fenestration within the retained wall should use traditional sash and case and retain more original features - addressed in section 3.3 b).
- the proposal is too dense - addressed in section 3.3 a).
- the housing will lack amenity - addressed in section 3.3 e).

Non-material Comments

- the proposal lacks a Design Statement - as 80% of the fabric is existing a Design Statement is not essential.
- other supporting information is absent - the information submitted is considered adequate for assessment of the proposal.
- the proposal will not be a "boutique hotel" - the assessment considers only class 7 use. The style of hotel proposed is not relevant.
- several hotel rooms offer no outlook - this is not a policy requirement.
- the hotel does not address various building warrant requirements - this will be addressed in any Building Warrant application.

Community Council

No comments received

j) Equalities and Human Rights

The proposals raise no equalities or human rights concerns.

Conclusion

The hotel use and flatted development are acceptable in principle in this location. The form and design restore a substantial proportion of the existing built fabric and retain the character and appearance of the conservation area. Impact upon neighbouring amenity is acceptable. Parking and access are acceptable. The proposals comply with development plan policies and non-statutory guidelines. No other considerations outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. 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 before work is commenced on site; Note: samples of the materials may be required.
2. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
3. Details of the kitchen ventilation relating to the class 7 use shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

Reasons:-

1. In order to enable the Head of Planning to consider this/these matter/s in detail.
2. In order to safeguard the interests of archaeological heritage.
3. In order to enable the Head of Planning to consider this/these matter/s in detail.

Informatives

It should be noted that:

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

3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
4. Prior to the issue of decision the applicant shall enter into a suitably worded legal agreement with the Council to agree a contribution of £79,781 towards the Edinburgh Tram. This sum may be paid in two equal instalments: one instalment prior to occupation of the class 7 element and one instalment prior to the occupation of the housing element.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

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

7.1 The sustainability impact has been assessed as follows:

This application is not subject to 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

The application was advertised on 26 February 2016.

A total of 18 representations were received. A full assessment of the representations can be found within the section 3.3 of the Report.

Background reading/external references

- 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](#)

Statutory Development

Plan Provision

The site lies in the Leith Conservation Area as shown in the Edinburgh City Local Plan.

Date registered

12 February 2016

Drawing numbers/Scheme

1-7,8a,9a,10,11,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

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Links - Policies

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 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

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

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

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

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

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

Non-statutory guidelines on 'PARKING STANDARDS' set the requirements for parking provision in developments.

Non-statutory guidelines on Developer Contributions and Affordable Housing gives guidance on the situations where developers will be required to provide affordable housing and/or will be required to make financial or other contributions towards the cost of, providing new facilities for schools, transport improvements, the tram project, public realm improvements and open space.

Appendix 1

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Consultations

Roads Authority

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

1. Consent should not be issued until the applicant has entered into a suitable legal agreement to provide:
 - a. A contribution of £116,733 to the Edinburgh Tram (based on 25 bed hotel and 9 residential units in Zone 1);
 - b. A draft Travel Plan prior to first occupation and a final Travel Plan within 12 months of first occupation;
2. A monitor capable of receiving an internet connection to display Public Transport Real Time information should be displayed in the reception area. (Reason to advise patrons of public transport);
3. The works to form a footway crossing 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

Note:

- o Current Council parking standards for this area (Zone 3a) require between 10 and 17 parking spaces for hotel development, and a minimum of 9 spaces for residential development. The development includes 19 spaces;
- o Tram contribution above takes no account of any current use.

Further Comments

The proposed tram contribution for the above development is as follows:

Tram Contribution proposed development
25 bed hotel = £92,000
9 residential units = £24,733

Total = £116,733

However if the existing use were to be proposed for the same site the following tram contribution would be sought (based of information received yesterday)

Existing use

Office 422sqm = £36,952

Warehousing 885 sqm = £0

Total = £36,952

It is agreed that £36,952 may be deducted from the above sum, representing the potential tram contribution for the existing buildings on site. This leaves a residual amount of £79,781 to be paid as a tram contribution.

Environmental Protection

Further to your request for a consultation response from this section I would highlight the following:

1. A kitchen is proposed to operate within the hotel premises. Details of the kitchen ventilation should be provided which confirms the following (from a suitably qualified ventilation specialist):
 - a. The ventilation extraction point. The point should be above proposed and existing surrounding residential windows a within 30m radius.
 - b. The ventilation is able to attain a minimum of 30 air changes per hour.
 - c. A drawing should be provided detailing the ventilation proposed for the kitchen/extract point etc.

Once the above has been provided this section should be in a position to further the application.

City Archaeologist

I would like to make the following comments and recommendations concerning the above planning application to alter and change the use of an existing building comprising offices, storage/light industrial and 1 residential unit to a building comprising offices, storage/light-industrial, hostel and 12 residential units.

The site lies within the historic limits of the medieval port and town of Leith, occupying the rear of a medieval burgage plot extending eastwards from the Kirkgate. This route was established by the 14th century as the main medieval route into the port from Edinburgh though it probably followed the line of an earlier medieval route. Archaeological evidence supports the development of this area from the 14th century though principally after the enclosing of the town by major defences in the mid 16th century to defend the town during the English Siege of 1559-60.

The site is surrounded to the east and north by 18th century listed buildings/houses. Ainslie's 1804 map shows a central building occupying the site, likely to correspond with the central warehouse/tenement occupying the site today. The surviving walls and buildings on site seem to correspond with structures shown on Kirkwood's 1817 map of the site.

Based on the historical and archaeological evidence the site has been identified as occurring within an area of archaeological potential. Accordingly this application must be considered under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and also Edinburgh City Local Plan (2010) policy ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

Buried Archaeology

The development will see the conversation and significant demolition (removal of basement and much of rear elevations) to a range of late 18th c and early 19th century Georgian buildings. Ground breaking works (e.g. internal and external demolitions, construction, new services) could reveal archaeological evidence for dating back to the medieval period. Having assessed these potential impacts it has been that though significant they are regarded as potentially moderate.

Accordingly it is recommended that if consent is granted that a programme of archaeological excavations are undertaken prior to and during development in order to fully excavate and record any significant remains which may be impacted upon.

Historic Buildings

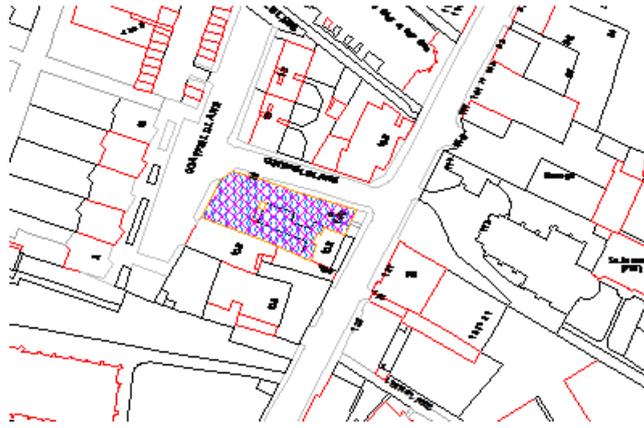
This revised scheme will have a significant adverse impact upon this group of late 18th century / early 19th Georgian domestic and commercial structures. Of particular concern is the complete removal of the basement level and also the increased scale and loss of the surviving rear main elevations to the former 18th century warehouse. These elements would appear to form the historic core of this group.. As such the proposed levels of demolitions, in this resubmitted application, are considered to have a significantly adverse impact and one considered to be contra to Policy ENV8 (b). It is therefore recommended that this application is refused consent on archaeological grounds.

However if consent is granted, it is essential that an historic building survey (level 3: internal and external elevations and plans, photographic and written survey and analysis) of all the buildings affected is undertaken prior to and during demolition in order to provide a permanent record of these historic structures. This work will be linked to a suitable programme of archaeological excavation as discussed above and secured by the following recommended condition;

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

The work would 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.

Location Plan



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