

# Development Management Sub Committee

Wednesday 19 April 2017

**Application for Planning Permission 17/00269/FUL  
At 32 - 36 Great King Street, Edinburgh, EH3 6QH  
Construct a new 4-Apartment Mews property for use as  
ancillary hotel accommodation within the grounds of the A-  
Listed Howard Hotel at 34 Great King St.**

<b>Item number</b>	4.13
<b>Report number</b>	
<b>Wards</b>	A11 - City Centre

## Summary

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The proposal will not detract from the character and appearance of the conservation area and setting of the listed building, nor will it adversely affect neighbouring residential amenity. The proposal is therefore acceptable in this location. There are no material considerations which outweigh this conclusion.

## Links

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<a href="#"><u>Policies and guidance for this application</u></a>	LDPP, LDES01, LDES04, LDES05, LEN01, LEN03, LEN06, LEN09, NSG, NSGD02, NSLBCA,
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# Report

## **Application for Planning Permission 17/00269/FUL At 32 - 36 Great King Street, Edinburgh, EH3 6QH Construct a new 4-Apartment Mews property for use as ancillary hotel accommodation within the grounds of the A- Listed Howard Hotel at 34 Great King St.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site is an area of land to the north of the category A-Listed Howard Hotel (listing ref: LB 28964, date listed: 15/07/1965), and is currently used as a private car park for the hotel. Access to the site is via South East Cumberland Street Lane. This application site is located within the New Town Conservation Area.

#### **2.2 Site History**

March 2017 - Listed building consent granted to construct a new 4-Apartment Mews property for use as ancillary hotel accommodation within the grounds of the A-Listed Howard Hotel at 34 Great King St (ref: 17/00264/LBC).

### **Main report**

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#### **3.1 Description Of The Proposal**

The applicant seeks planning permission to construct a new four apartment mews property for use as ancillary hotel accommodation within the grounds of the category A-Listed Howard Hotel. The mews property will be 16.74 metres wide, 8 metres in depth and 5.07 metres in height at eaves level. The floorspace of the three 1 bed apartments is 42.3 square metres and the floorspace of the 2 bed apartment has been measured at 65.5 square metres, despite plans indicating that the 2 bed apartment is also 42.3 square metres.

The north, south and gable end elevation will be a coursed ashlar sandstone finish. The north elevation will have timber front doors, aluminium windows with a dark grey finish and a timber lined pend, with vertical timber cladding just above the pend on the upper floor. The south elevation is of a similar style, but there is more timber cladding on the upper floor and there are no timber doors.

The roof will be slate with velux skylights in a dark grey finish.

The existing wall to the west of the development is being retained.

## **Scheme 1**

The original scheme was 8.145 metres in depth, the south elevation was rendered finished and the eaves height was 5.63 metres.

### Supporting Statement

The applicant has submitted a Design statement which can be viewed on the Planning and Building Standards online 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 proposal is acceptable in principle;
- b) the proposal will be detrimental to the setting of the listed building and character or appearance of the conservation area;
- c) the proposal will be detrimental to neighbouring amenity;
- d) the proposal will harm the archaeological significance of the area;
- e) the proposal will harm the natural environment;
- f) the proposal will raise any transport and road safety issues;
- g) any public comments raised have been addressed; and
- h) any impacts on equalities or human rights are acceptable.

#### a) Principle of the Proposal

The proposed four apartment mews property will provide ancillary hotel accommodation for the category A-listed Howard Hotel and is located within the grounds of the building. The proposal is located within the urban area and is an extension to an existing use. Subject to the assessment of other matters, it is concluded that the principle of the use is acceptable in this location.

#### b) Setting of Listed Building and Conservation Area

##### Listed Building

Policy Env 3 of the Edinburgh Local Development Plan supports development that will not be detrimental to the setting of the listed building, or to its character or appearance. The development site is located within the grounds of the A-listed Howard Hotel and therefore needs to reflect the character of the listed building. The original scheme proposed a two-storey mews with render finish on the principal elevation (facing the building) which would have had a detrimental impact on the setting of the listed building.

The revised scheme reduces the depth of the proposal from 8145mm to 8000mm and reduces the eaves height so that the new build is only 403mm higher than the existing adjacent mews. The south elevation required a coursed ashlar sandstone finish, the same of which has been used on the north elevation and the gable end. The amended scheme now shows the proposed mews buildings sitting within the context of a variety of roof heights and types and a coursed ashlar sandstone finish to the south elevation. Although the proposed building is still slightly higher than the adjoining mews building to the east, this is within acceptable limits and will respect the overall character of the lane and views to the rear of the Howard Hotel. The contemporary design, and the use of traditional materials and building form, will make a positive contribution to the area.

The proposal therefore complies with Policy Des 1, Des 4 and Env 3 of the LDP.

##### Conservation Area

New Town Conservation Area Character Appraisal:

*"Craig's New Town contained lanes that were composed of artisans' dwellings, but as the expansions of the New Town took place, the original purpose of the lanes transferred to the provision of mews. These provided accommodation for stabling and coaches usually associated with the town houses on the streets that they lay behind. They are usually one and a half stories high, with a carriage entrance and sometimes a hayloft, both on the lane side. They were usually built with a formal high quality design facing the house and an informal rubble elevation facing the lane of the mews."*

The proposal is located within the New Town Conservation Area and must therefore preserve the special character and appearance of the area. The design of the mews matches that of similar properties on the lane and utilises materials which are appropriate to the historic environment. It is concluded that the proposal complies with Policies Env 1 and Env 6 of the Edinburgh Local Development Plan (LDP).

### c) Neighbouring Amenity

Policy Des 5 of the LDP supports development where *"the amenity of neighbouring developments is not adversely affected and that future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook."* Having assessed the proposal with regards to the impact of overshadowing and sunlight on neighbouring properties in accordance with the 25 degree method, it can be concluded that there will be no adverse impacts regarding neighbouring amenity.

### d) Archaeology

Given the historic setting of this application, the Archaeological Services were consulted and concluded that on current information this proposal is regarded as having a low archaeological impact upon both adjacent historic Georgian Mews and underlying archaeological deposits. However, development will impact upon the gable wall of the adjoining mews building which shows evidence of more than one phase of construction. It is therefore recommended that an appropriate programme of archaeological historic building survey (annotated elevations, photographic and written survey) is undertaken in order to provide a permanent record of this historic mews. In addition, the site has been the site of potentially more than one phase of mews development. As such it is recommended that the above historic building survey is linked to a programme of archaeological work undertaken prior to/during construction to record and analyse any significant buried remains.

Subject to this work taking place, it is concluded that the proposal complies with Policy Env 9 of the LDP.

### e) Natural Environment

The development of this site will result in the loss of a tree. It is determined that this tree is of no historical importance and does not contribute to the character of the New Town conservation area. It is concluded that the removal of this tree is acceptable.

The site has been reported to have Japanese knotweed present, despite no details being supplied with the application. The applicant will be responsible for its appropriate treatment and removal.

### f) Transport and road safety

The Roads Authority was consulted and raised no objections to this proposal. Current Council parking standards do not require parking for hotel development in this area.

### g) Public Comments

Material Objections:

- Issues regarding the loss of privacy, overshadowing and sunlight - assessed in section 3.3 (c).
- Concerns over the scale, form and design of the new mews properties - assessed in section 3.3 (b).

- The proposal will be detrimental to the character and appearance of the New Town conservation area - assessed in section 3.3 (b).
- There is a presence of Japanese Knotweed on the proposal site - assessed in section 3.3 (e).
- Concerns raised over traffic congestion from the scheme and a lack of car parking provision - assessed in section 3.3 (f).
- The proposal would have a detrimental impact on the setting of the A-listed building - assessed in section 3.3 (b).
- Issues raised over the types of material used for the development - assessed in section 3.3 (b).
- The development will result in a loss of trees - assessed in section 3.3 (e).
- The development will spoil the views looking onto the rear elevation of the Howard Hotel - assessed in section 3.3 (b).
- Support for the principle of the proposal.

#### Non-material Objections:

- The back of the Howard Hotel is directly on the corner of the very narrow lane, the proposal will therefore cause problems with visibility.
- Concerns raised over the access and provision of refuse vehicles. Commercial properties have to provide their own means of refuse collection.
- The proposal will block the access of fire engines to the rear of the Howard Hotel. Matters controlled under the Scottish Fire and Rescue service and Building Standards.
- Issues regarding potential disruptions during the construction period.
- The proposal will set a precedent for similar developments in the area.
- There is an issue with rising damp to the walls of the entire lower section of the adjacent mews - matters controlled under Building Standards.
- Noise from service vehicles.
- Issues regarding rights of access - civil matter.
- The development will reduce the value of surrounding properties.
- Issues raised with regards to the floorspace requirements for both the 1 bed and 2 bed apartments - as this is ancillary hotel accommodation and not a residential dwelling, then the floorspace requirements set out in the Edinburgh Design Guidance are not applicable.

#### h) Human Rights and Equalities

This application was assessed in terms of potential impacts on human rights and equalities. There were no impacts found on human rights and equalities.

#### Conclusion

The proposal will not detract from the character and appearance of the conservation area and setting of the listed building, nor will it adversely affect neighbouring residential amenity. The proposal is therefore acceptable in this location. There are no material considerations which outweigh this conclusion.

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

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

#### **Conditions:-**

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

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

2. Sample/s of the proposed materials shall be submitted to and approved in writing by the Planning Authority before work commences on site.

#### **Reasons:-**

1. In order to safeguard the character of the statutorily listed building.
2. In order to enable the Head of Planning to consider this/these matter/s in detail.

#### **Informatives**

It should be noted that:

1. This consent is for planning permission only. Work must not begin until other necessary consents, eg listed building consent, have been obtained.
2. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
5. Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Japanese Knotweed (*Fallopia japonica*) on site. The measures shall be carried out strictly in accordance with the approved scheme.

## **Financial impact**

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

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

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### **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 received 45 letters of representation.

## **Background reading/external references**

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



**Statutory Development  
Plan Provision**

The site is located within the Old Town World Heritage Site and Conservation Area as defined in the Edinburgh Local Development Plan.

**Date registered**

30 January 2017

**Drawing numbers/Scheme**

01, 02A, 03A, 04A, 05,

Scheme 2

**David R. Leslie**

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**Links - Policies**

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**Relevant Policies:**

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

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

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

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

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

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

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

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

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

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

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

# Appendix 1

## **Application for Planning Permission 17/00269/FUL At 32 - 36 Great King Street, Edinburgh, EH3 6QH Construct a new 4-Apartment Mews property for use as ancillary hotel accommodation within the grounds of the A- Listed Howard Hotel at 34 Great King St.**

### **Consultations**

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#### Historic Environment Scotland

We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

#### Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning this application to construct a new 4 apartment mews property for use as an ancillary hotel accommodation within the grounds of the A-listed Howard Hotel.

The site lies within the UNESCO World Heritage Site. In particular, the site lies at the core of the Georgian New Town and part of the first extension of the New Town on land feud by the Heriot Trust. Although depicted on earlier plans e.g. Ainslie 1804, development did not commence in earnest until c.1817. Accordingly, this application must be considered therefore under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and also Edinburgh Local Plan (2016) policy ENV9.

It is considered that on current information this proposal scheme is regarded as having a low archaeological impact upon both adjacent historic Georgian Mews and underlying archaeological deposits. However, development will impact upon the gable wall of the adjoining mews building which shows evidence of more than one phase of construction. It is therefore recommended that an appropriate programme of archaeological historic building survey (annotated elevations, photographic and written survey) is undertaken in order to provide a permanent record of this historic mews. In addition, the site has been the site of potentially more than one phase of mews development. As such it is recommended that the above historic building survey is linked to a programme of archaeological work undertaken prior to/during construction to record and analyse any significant buried remains

Accordingly, it is recommended that that the following condition is attached to this consent to ensure that this programme of archaeological works is undertaken prior to construction.

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

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

### Natural Environment

#### Japanese knotweed

Japanese knotweed (*Fallopia japonica*), an invasive non-native species, has been reported to be present on site. However, no details have been supplied with the application. Clarification on this matter should be sought from the application and if its presence is confirmed, a condition for its treatment and removal should be added to any consent given. See below.

#### Condition

Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Japanese Knotweed (*Fallopia japonica*) on site. The measures shall be carried out strictly in accordance with the approved scheme.

#### Biodiversity Enhancement

Policy Des 3 and the Edinburgh Design Guidance Chapter 3 aim to identify opportunities, through development, to enhance local biodiversity. This also accords with the Edinburgh Biodiversity Action Plan 2016-18. This application has the potential to provide opportunity for swifts (*Apus apus*) by incorporating swift bricks in to the building.

#### Transport

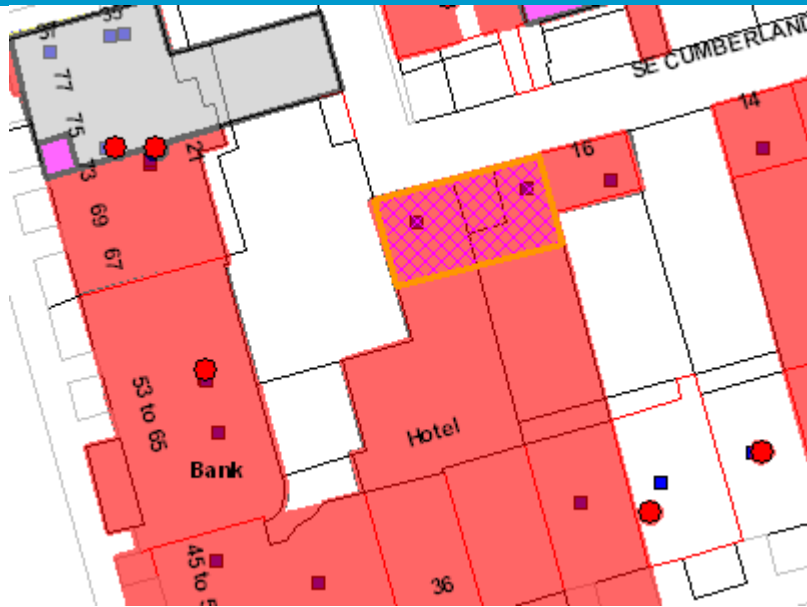
No objections to the application.

#### Note:

Current Council parking standards do not require parking for hotel development in this area.

## Location Plan

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