

# Development Management Sub Committee

Wednesday 5 December 2018

**Application for Planning Permission 18/01445/FUL  
At 130 Constitution Street, Edinburgh, EH6 6AJ  
Amendment to Planning Permission 16/00682/FUL to  
remove car parking and increase bedrooms from 25 to 32  
within the hotel element (retaining nine private flats as  
previously approved)**

<b>Item number</b>	4.4
<b>Report number</b>	
<b>Wards</b>	B13 - Leith

## Summary

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

## Links

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<a href="#"><u>Policies and guidance for this application</u></a>	LDPP, LDES01, LDES12, LEMP10, LHOU01, LEN21, LEN06, LTRA02, LTRA04, NSG, NSLBCA, NSP, OTH, CRPLEI,
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# Report

## **Application for Planning Permission 18/01445/FUL At 130 Constitution Street, Edinburgh, EH6 6AJ Amendment to Planning Permission 16/00682/FUL to remove car parking and increase bedrooms from 25 to 32 within the hotel element (retaining nine private flats as previously approved)**

### **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 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 of the application site.

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application for a mixed use development on a wider site (encompassing the listed building to the south-east) was withdrawn (application reference: 15/05013/FUL).

6 March 2018 - planning permission granted, following conclusion of legal agreements, for a mixed use development of nine private flats plus a 25-bedroom hotel with an underground car park (application reference: 16/00682/FUL).

## **Main report**

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

The application proposes conversion and alteration to an existing building group to create a 32 bedroom hotel, plus a new-build element containing nine flats. The flatted element contains four studio flats, three one-bedroom flats and two two-bedroom flats. Studio flats range from 36 to 38 square metres. One bedroom units are all 53 square metres. Two bedroom units are of 66 and 71 square metres.

The application represents a material variation to a live planning permission. The change focusses upon an increase in hotel bedrooms and the omission of the previously approved underground car park.

The previously approved basement level car park is deleted from the proposal, leaving only four car parking spaces and one motorcycle space at ground floor level. A secure cycle store with 18 spaces (serving the residential element) is also provided. The central courtyard within the hotel element is readily used for secure cycle storage for staff.

The overall design concept and building envelope are unchanged in relation to the previous permission. This retains the buildings on Constitution Street and facing north onto Coatfield Lane. This includes incorporation of the existing broken stone gable on the north-east corner in its existing form. The design of the new rendered block facing west remains broadly unchanged, as does the layout and design of new elements facing the small internal courtyard.

### **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) Principle

Policy Hou 1 of the Edinburgh Local Development Plan (LDP) applies to the housing element within the proposal. The immediate area is predominantly residential and housing use remains acceptable in principle, subject to other policy requirements being met.

The density of the residential component is unchanged (at 121 units per hectare), and 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. The increase in hotel bedrooms (within the previously approved envelope) does not affect the fact that the hotel use is acceptable in principle.

The proposed mix of uses remains 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, and is modern in both street pattern and form.

The majority of the proposal is contained within existing buildings, and represents a welcome retention and re-use 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 of any importance are lost from the outer public face of the development. Adjustments are made to fenestration including the reopening of 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, not typical of the wider conservation area, but creating a character of its own on the Kirkgate. 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 remains positive and acceptable.

### c) Parking and Road Safety

LDP policy Tra 2, read in conjunction with the Council's Parking Standards, consider appropriate parking levels. The site lies within Zone 3a. Council objectives have changed since the original consent and now seek to minimise car generation.

The previously proposed underground car park is now omitted from the proposal. Revised parking standards would now accept zero provision for both hotel and private flats as the site lies on a public transport corridor.

A total of four car parking spaces are now proposed. All lie under the new-build housing element to the west. As all spaces are internal they can readily be adapted to accommodate electric charging points. This is addressed by an informative. The Roads Authority is satisfied that the proposed level of car parking is sufficient, given the site's proximity to public transport (including the proposed tram).

A revised legal agreement is required in relation to the required tram contribution (see section 3.3 g)

Cycle parking for the residential element is 200%.

#### d) Impact on Neighbouring Amenity

LDP policy Des 5 and the Edinburgh Design Guidance consider impact upon privacy and daylight to neighbours.

The proposal is unchanged in terms of scale or window locations, and amenity levels to neighbours are unaltered in relation to the live permission.

LDP policy Hou 7 considers inappropriate uses in residential areas.

The hotel does not include any bar and dining facilities are restricted. This hotel use already has a live planning permission and Environmental Protection were therefore not reconsulted on this issue. The increase in bedroom numbers will have no material impact upon neighbouring amenity and amenity levels will remain acceptable.

#### e) Amenity of the Proposed Housing

LDP policy Des 5 and the Edinburgh Design Guidance consider amenity of the proposed flats.

All units will have adequate sunlight and daylight and meet minimum space standards. Although the development lacks open space, this is not practical if preserving the urban form, and the site lies only 120 metres from Leith Links. Committee previously agreed this as being satisfactory, and agreed that a contribution towards upgrading Leith Links was not required.

The housing element within the proposal is unchanged and remains acceptable.

#### f) Flood Risk

LDP policy Env 17 considers Flood Protection.

The basement car park area (which was previously assessed as having a degree of flood risk) is now removed from the application. Flood risk issues are negated by the change in relation to the original planning permission. Flood risk is no longer an issue.

#### g) Infrastructure

The housing element and type is too small to require a contribution towards either schools or affordable housing.

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 (£101,659) towards construction of the tram. The applicant has agreed to this revised 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 23 neighbouring residents plus Deidre Brock MP.

#### **Material Comments**

- lack of car parking - addressed in section 3.3 c) above.
- noise from the hotel element - addressed in section 3.3 d) above.

#### **Non-material Comments**

- not all residents received notification.
- loss of view.
- drawings unclear/ambiguous.
- if the tram comes local parking will worsen.
- nature of the accommodation is more likely to be for emergency accommodation.

#### **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. The reduction in parking provision directly addresses current Council objectives to reduce car use and encourage public transport use. 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 kitchen ventilation for the hotel (demonstrating compliance with all necessary requirements) 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 planning authority to consider this/these matter/s in detail.
2. In order to safeguard the interests of archaeological heritage.
3. In order to safeguard the amenity of neighbouring residents and other occupiers.

**Informatives**

It should be noted that:

1. Prior to the release of decision the applicant shall enter into a suitably worded legal agreement with the Council to ensure a contribution of £101,659 towards the Edinburgh Tram.
2. The development 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. All car parking spaces to be equipped with facilities for the charging of electric vehicles.

**Financial impact**

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

The proposal requires a new s75 agreement increasing the required tram contribution from £79,781 to £101,659.

**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**

There is no pre-application process history.

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

The application was advertised on 6 July 2018.

23 representations were received, all in objection. These are assessed within section 3.3 of the Assessment.

## **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 lies in the Leith Conservation Area as shown in the Local Development Plan.

### **Date registered**

26 June 2018

### **Drawing numbers/Scheme**

1-14,

Scheme 1

## **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

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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 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 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.

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

### **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.

### **Other Relevant policy guidance**

**The Leith Conservation Area Character Appraisal** emphasises the area's unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities, and the importance of the Water of Leith and Leith Links for their natural heritage, open space and recreational value

# Appendix 1

## Application for Planning Permission 18/01445/FUL At 130 Constitution Street, Edinburgh, EH6 6AJ Amendment to Planning Permission 16/00682/FUL to remove car parking and increase bedrooms from 25 to 32 within the hotel element (retaining nine private flats as previously approved)

### Consultations

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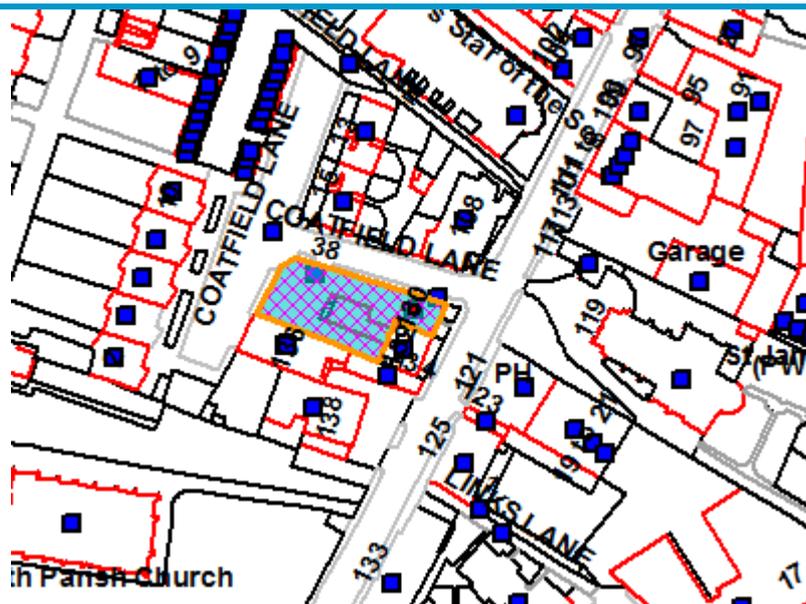
#### Roads Authority

Revised Tram Contribution - having reviewed the previous response to the 2016 application I noticed that the amount didn't account for the existing use, having applied this I come out with a Tram contribution of £101,659 This was calculated based on the following:

- o Existing use (as per email 22/6/16) based on 422m2 office use and 885m2 Storage = £36,341
- o Proposed use based on 32 room hotel and 9 residential units = £138,000
- o Net use = Proposed Use - Existing Use = £101,659

### Location Plan

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