

**Full Planning Application  
at  
61 Grassmarket  
Edinburgh  
EH1 2JF**

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**Development Quality Sub-Committee  
of the Planning Committee**

**Proposal:** Removal of condition 7 on planning permission reference 00/03269/FUL restricting use to class 7 hotel only.  
**Applicant:** Apex Hotels Ltd.  
**Reference No:** 03/00238/FUL

**1 Purpose of report**

To recommend that the application be **GRANTED** subject to;

**Conditions**

1. The development hereby permitted shall be commenced no later than five years from the date of this consent.
2. The hotel bar area shall be limited to the area identified as lounge and servery on plan ref. 9907(P) 002 and shall be only accessed internally from the hotel.

**Reasons**

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. In order to safeguard the amenity of neighbouring residents and other occupiers.

## 2 Main report

### Site description

The application property is a hotel building situated on the south side of the Grassmarket with its junction with Heriot Bridge. It is on four floors and has approximately 120 bedrooms, four meeting rooms, and a residents lounge and restaurant. There is modest parking provided at ground floor level with vehicular access from the Grassmarket. The Grassmarket and Heriot Bridge frontage have a shop front appearance at ground floor level with the glazing on the Grassmarket elevation wrapping around into the pend access. The Heriot Bridge frontage is in the form of two individual 'shop' style windows.

The Grassmarket is an area of the City that has a mix of residential uses on most upper floors of predominantly four storey buildings, with commercial uses on most lower floors. Further to the west of the site on the south side of Grassmarket is the Apex Hotel with restaurant. There is also hotel accommodation in an older building at the eastern end of the north side of Grassmarket. The property immediately to the east of the site is in residential use. There are a number of public houses and hot food uses within the immediate vicinity.

The site lies within the Old Town Conservation Area and the World Heritage Site. The adjoining building to the east at 63 Grassmarket is Category B listed.

### Site history

19.08.1998 - Planning permission for change of use from office to hotel refused by the Development Control Sub-Committee contrary to the recommendation of the Head of Planning (A 00888 98). This was subsequently allowed on appeal. The Reporter agreed with Officers' recommendations that access to the hotel bar should be via the hotel foyer with no direct access to the street, and that the use of the hotel should be limited to a Class 7 hotel where the sale of alcohol is restricted to residents and their guests only.

17.01.2001 - Planning permission for alterations and extension of existing office building to form hotel granted (00/03269/FUL).

Also of relevance is the history of the Apex Hotel located at 31-35 Grassmarket.

26.07.1995 - Planning permission for change of use from educational building to budget hotel etc granted (A 00998 95). This restricts the sale of alcohol to hotel guests only.

05.03.1997 - Planning permission for the deletion of a condition restricting the sale of alcohol to residents and their guests only granted for a limited period of two years (A 02052 96).

11.11.1998 - Planning permission for the deletion of a condition restricting the sale of alcohol to residents and their guests only granted (A 02257 98). A condition attached to the consent required the bar area to be limited to a specific area at the rear of the existing hotel reception.

27.10.1999 - Planning permission for proposed extension to hotel to form residents lounge, licensed restaurant and associated facilities granted subject to the extension not becoming sub-divided from the hotel itself (99/02078/FUL). There was however no condition attached restricting the bar to an area behind the reception area.

## **Development**

The application relates to the removal of Condition 7 attached to planning permission, reference 00/03269/FUL, for the refurbishment and extension of existing office building to form new hotel. Condition 7 states that the *'premises shall be used solely as a hotel within Class 7 of the Town and Country Planning (Use Classes) (Scotland) Order 1997, and for no other purpose including any other purpose within Class 7, without further planning permission.'*

No external alterations are proposed.

## **Supporting Statement**

The applicant has submitted a statement in support of this application, providing justification for the need to remove this condition in relation to operational requirements. This is available in the Party Group Rooms.

## **Consultations**

### **Environmental and Consumer Services**

The removal of this restriction will allow unrestricted sale of alcohol on the premises including to non-residents.

It is our understanding that the hotel intends to sell alcohol to conference attendees. This department would have no concerns with this.

The use of the premises as a bar would pose concerns regarding noise associated with patrons entering and leaving the premises, this would be likely to adversely affect the amenity of neighbouring residential premises.

The premises would however be covered by licensing restrictions thus enabling an element of control over noise concerns.

This Department therefore has no objections.

## **Representations**

The application was advertised as a potential departure from the development plan on 21.02.2003. Letters of representation have been received from Councillor Sheila Kennedy as Ward Councillor at the time, Edinburgh Old Town Association, and South Side Community Council. The issues raised are:

1. Area is already well catered for in terms of public bars and licensed restaurants.
2. Contrary to local plan policy.
3. Assured that this would not have public bar at original application stage.

## **Policy**

The property lies within an area identified as Mixed Activities Zone in the Central Edinburgh Local Plan.

### Relevant Policies:

Policy L2 (COMMERCIAL LEISURE USES) sets out criteria for assessing commercial leisure uses within the Retail and Office Cores, Mixed Activities Zone and other areas where commercial uses are present.

Policy L3 (LEISURE USES - RESTRAINT) requires particular care to be taken to prevent an excessive concentration of commercial leisure uses in the following areas of mixed but essentially residential character: Tollcross, Grassmarket and Nicolson Street/Clerk Street and environs.

Policy L7 (HOTEL DEVELOPMENT) sets out criteria for assessing new hotel developments.

Non-statutory guidelines 'COMMERCIAL LEISURE USES: CENTRAL EDINBURGH LOCAL PLAN POLICY L3: SUPPLEMENTARY PLANNING GUIDANCE' provides specific guidance in respect of such uses in identified areas of sensitivity.

Policy H11 (HOUSING AMENITY) establishes a presumption against new development and changes of use likely to introduce increased levels of traffic or activity to the detriment of residential amenity or to the reasonable prospects of further residential development where this is an objective of the Local Plan.

## **3 Conclusions and Recommendations**

### **Determining Issues**

The determining issues are:

- 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?

## Assessment

To address these determining issues, the Committee needs to consider whether a *sui generis* hotel use will have an adverse effect upon the residential amenity of the area.

The statement submitted in support of this application indicates that the reason that an unrestricted hotel use is required is in order to improve guest perceptions of the type of hotel and standards of service, to cater for conference delegates or groups of customers meeting at the hotel, and to maintain its Four Star status. There are no physical changes to the building either to its internal layout or to provide separate access to the bar from the street.

Removal of this condition would enable the premises to serve alcohol to members of the public and not only residents and their guests. Whilst internal alterations would not require planning permission, entrance to the lounge area must be maintained via the hotel lobby as per the original conditional planning permission granted on appeal. Although the lounge area is to the front of the premises, the present arrangements are likely to discourage large volumes of casual passing trade. Any alteration to form a new access directly from the street would require planning permission.

Policy L3, which applies to the Grassmarket, seeks to restrict the introduction of commercial leisure uses and evening activity in the interest of residential amenity. In this case the proposal extends the existing hotel facilities.

The lounge and restaurant areas are relatively small in relation to the overall scale of the building. Although located adjacent to residential premises, the hotel is not physically connected to residential premises. The limited use of the lobby area should not give rise to additional noise and disturbance. As has been highlighted within the supporting statement it is not in the interest of the hotel to encourage additional noise and disturbance, as this can be detrimental to the sleeping accommodation provided. It is therefore reasonable to consider that the hotel will endeavour to manage the premises responsibly through adequate supervision and control. Indeed the Apex hotel located at 31-35 Grassmarket has had a full hotel licence since November 1998, with the bar/restaurant area later extended, and has been operated in this manner without complaint

Given the scale and character of the premises and the absence of concern from Environmental and Consumer Services, it is considered that the removal of this restrictive condition will not prejudice the amenity of the area. A departure from policy is considered acceptable in this instance. As with the Apex hotel at 31-35 Grassmarket, a condition is attached to limit the bar area. There are no material considerations to outweigh this conclusion.

It is recommended that the Committee approves this application, subject to the conditions stated.

Alan Henderson

**Alan Henderson**  
Head of Planning and Strategy

**Contact/Tel** David Mudie on 0131 529 3442 (FAX 529 3717)

**Ward affected** 32 - Tollcross

**Local Plan** Central Edinburgh Local Plan

**Statutory Development  
Plan Provision** Mixed Activities Zone

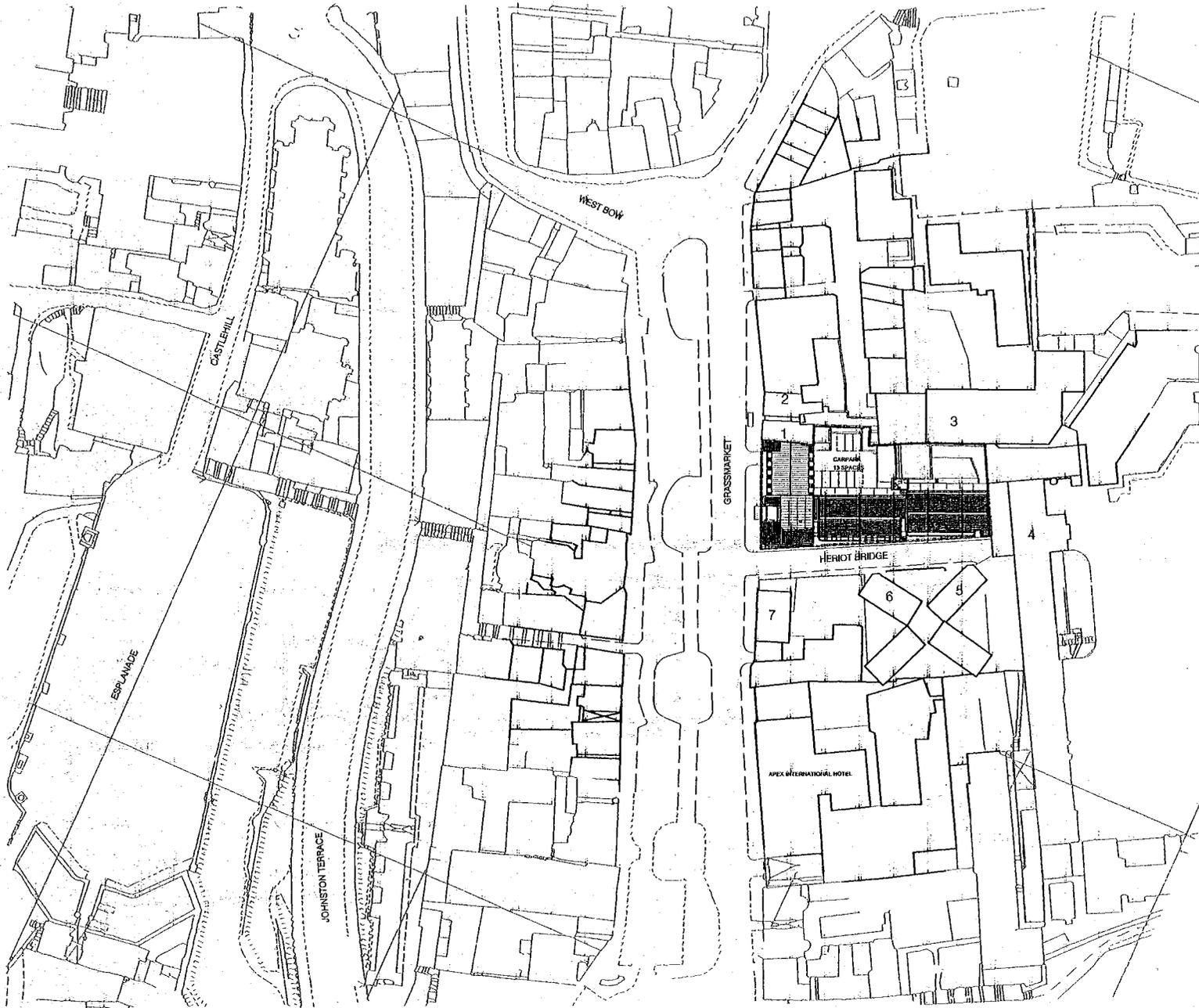
**File** AF

**Date registered** 7 February 2003

**Drawing numbers/  
Scheme** S1 - 1

# PRESENTATION

- BLOCK 1 - LEIGH ROSS HAIRDRESSING
- BLOCK 2 - LARKSPUR & CO
- BLOCK 1 & 2 - HOUSING, 5 GILMOUR CLOSE
- BLOCK 3 - SCHOOL OF PLANNING AND HOUSING
- BLOCK 4 - GEORGE HERIOTS SCHOOL
- BLOCK 5 - HOUSING, 2 HERIOT CROSS
- BLOCK 6 - HOUSING, 1 HERIOT CROSS
- BLOCK 7 - HOUSING, 45 GRASSMARKET
- BLOCK 7 - 41 GRASSMARKET



LOCATION PLAN

Site boundary —————

0 5 10 25 50 75 100