

Development Management Sub Committee

Wednesday 10 October 2018

Application for Planning Permission 18/02976/FUL

At 1 - 5 Osborne Terrace, Edinburgh

Change of Use of the building from office (Class 4) to hotel (Class 7), removal of existing single storey rear extension, erection of 2x new rear extensions and glazed rooftop extension to provide 157 bedrooms, ancillary restaurant and bar.

Item number	4.2
Report number	
Wards	B11 - City Centre

Summary

The proposals comply with the Edinburgh Local Development Plan and non-statutory guidelines and would have no adverse effect on the character and appearance of the conservation area. The development would have no detrimental impact on residential amenity, road safety or infrastructure. There are no identified impacts on equalities or human rights and no material considerations that outweigh this conclusion.

Links

Policies and guidance for this application	LDPP, LDES04, LDES12, LEMP10, LEN01, LEN06, LDES05, NSBUS, NSGD02, LTRA02, LTRA03, LDEL01,
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Report

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Change of Use of the building from office (Class 4) to hotel (Class 7), removal of existing single storey rear extension, erection of 2x new rear extensions and glazed rooftop extension to provide 157 bedrooms, ancillary restaurant and bar.**

Recommendations

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

Background

2.1 Site description

The site is an office block (3,611 square metres) facing onto West Coates and forming the eastern end of Osborne Terrace. To the east there is a large, mostly dark glazed, office building. To the west there are two storey traditional stone built houses with slate roofs. Across the road to the front is Donaldson's College, currently being redeveloped as residential flats.

The building sits on the corner with Devon Place. To the south, on Devon Place, there are single storey traditional stone built houses and some business units.

The building is flat roofed, four storeys in height on the front elevation (north) and due to falling ground levels five storeys to the rear. There is a single storey element adjacent to the houses on Devon Place. Vehicular access to the under building car park for 59 cars is achieved via a ramp off Devon Place and the pedestrian entrance is on the corner.

The building sits in front of the building line on Osborne Terrace and there is an area of landscaped open space between it and the heel of the footway. This open space accommodates 6 car parking spaces.

The building is not listed and not located within a conservation area. The boundary of the Coltbridge & Wester Coates Conservation Area lies immediately on the western boundary of the site and the New Town Conservation Area lies to the north.

This application site is located within the Coltbridge and Wester Coates Conservation Area.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

Planning permission is sought for the change of use of an office building (class 4) to a 157 bed hotel (class 7). This will involve the addition of an extra floor to the existing building to accommodate extra rooms and plant equipment and the erection of two rear extensions. An existing extension will be demolished and the new extensions will be two storeys and three storeys in height. The proposal also involves an outdoor seated area to the front of the building which will be joined to the bar/restaurant area and associated landscaping works.

The replacement extension is to be finished in dark grey aluminium cladding with slim aluminium fins and horizontal banding to mirror that of the existing building on the Devon Place frontage. The only deviation from that is that the ground floor of the replacement extension shall be finished with concrete panels as it is adjacent to the proposed service bay. The courtyard facades are to be light grey/off white render, with vertical window slots to match that of the existing building.

The applicant is proposing two disabled parking spaces and 20 cycle spaces.

The applicant has submitted the following documentation, which is available to view on Planning and Building Online Services:

- Planning Statement;
- Design and Access Statement;
- Transport Statement;
- Daylight/Sunlight Assessment;
- Background Noise Survey;
- Archaeology Report;
- Drainage Strategy;
- Air Quality Assessment; and
- Site Investigation Report.

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 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 development is acceptable in principle in this location;
- b) the proposal is appropriate in terms of scale, design and massing;
- c) there is no unacceptable impact on residential amenity;
- d) the proposed parking and transport arrangements are appropriate;
- e) there is any adverse impact on the character and appearance of the adjacent Conservation Areas or Edinburgh World Heritage Site;
- f) any impacts on equalities or human rights are acceptable; and
- g) comments raised have been addressed.

a) Principle

Hotel development is supported within the urban area by LDP Policy Emp 10 where it is has good public transport access to the city centre.

The development is acceptable in principle in this location subject to the consideration of other matters below.

b) Scale, design and massing

The additional floor being added to the existing building will be glazed and set back from the existing building line, thus minimising its impact on the wider setting, as well as adding a sympathetic addition to the current building. The additional floor will result in an overall increase of around 2.7 metres in the height of the building. This will still be below the height of the neighbouring Apex House.

The replacement extension is to be finished in dark grey aluminium cladding with slim aluminium fins and horizontal banding to mirror that of the existing building on the Devon Place frontage. The only deviation from that is that the ground floor of the replacement extension shall be finished with concrete panels as it is adjacent to the proposed service bay. The courtyard facades are to be light grey/off white render, with vertical window slots to match that of the existing building.

These works are compatible in their design and form, choice of materials and positioning with the character of the existing building and accord with LDP policies Des 4 and Des 12.

c) Amenity

Local Development Plan Policy Des 5: Development Design - Amenity states that planning permission will be granted for development where it is demonstrated that 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. Sunlight and daylight analysis has been submitted by the applicant demonstrating that there will be no impact on neighbouring properties in line with the parameters set out in the Edinburgh Design Guidance.

In terms of privacy and overlooking, there are no gable end windows proposed that overlook existing properties to the south and west of the site. The windows on the new extension will have angled south facing windows to avoid overlooking into the property at 6 Osborne Terrace.

An acoustic fence has been proposed between the outdoor seating area to the front of the building and the boundary between the neighbouring property. Furthermore, Environmental Protection has raised no objection to the proposal (subject to appropriate conditions/informatives).

The proposal will not have a detrimental impact on neighbouring residential amenity.

d) Transport

Transportation has raised no objection to the proposal and it complies with the Council's Parking Standard. The applicant is proposing no parking on site, two disabled parking spaces and 20 cycle spaces. A new space for deliveries to be dropped is proposed to the east of the site off Devon Place.

The applicant will be required to contribute the sum of £149,899 (based on proposed 157 bed hotel and existing 3,593m² office use in Zone 1) to the Edinburgh Tram in line with the approved Non Statutory Guidance on Developer Contributions. This will be secured through an appropriate legal agreement.

e) Historic Environment

Although the proposal site is not within the World Heritage Site or a Conservation Area, it lies on the boundary of the World Heritage Site and both the New Town Conservation Area and the Coltbridge and Wester Coates Conservation Area.

The existing building is being retained and the additions are of a contemporary nature that are appropriate to its setting. The proposal will not have a negative impact on the character and appearance of either Conservation Area or the World Heritage Site.

f) Equalities and human rights

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

g) Public comments

Material Considerations

- Impact on residential amenity: this has been addressed in section 3.3(c).
- Traffic/parking: this has been addressed in section 3.3(d).
- Design and scale of proposal: this has been addressed in section 3.3(b).
- Principle of use not acceptable: this has been addressed in section 3.3(a).
- Impact on Conservation Area: this has been addressed in section 3.3(e).

Non-material Considerations

- Profit over considered application.
- No consultation or community engagement.
- "Wind tunnel effect".
- "Contrary to Council's own stated strategic priority".
- Anti-social behaviour.
- Money spent should go towards social housing.
- Impact on residential areas of hotels - pushing residents out.
- Building should be demolished and residential flats built.
- Demolition of existing block will create noise and dirt.
- Construction disruption.

Community Council

Murrayfield Community Council

- Impact on heritage: this has been addressed in section 3.3(e).
- Counter to Council's strategic vision for tourism: this has been addressed in section 3.3(a).
- Traffic - HGV's/Coaches: this has been addressed in section 3.3(d).
- Parking: this has been addressed in section 3.3(d).
- Privacy: this has been addressed in section 3.3(c).
- Noise and disturbance: this has been addressed in section 3.3(c).

West End Community Council

- Impact on World Heritage Site and Conservation Area: this has been addressed in section 3.3(e).
- Additional storey and extension: this has been addressed in section 3.3(b).
- Amenity: noise, loss of privacy: this has been addressed in section 3.3(c).
- Smoking area: this has been addressed in section 3.3(c).
- Coach stopping/parking: this has been addressed in section 3.3(d).

Conclusion

The proposals comply with the Edinburgh Local Development Plan and non-statutory guidelines and would have no adverse effect on the character and appearance of the conservation area. The development would have no detrimental impact on residential amenity, road safety or infrastructure. There are no identified impacts on equalities or human rights and no material considerations that outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

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. 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.
3. 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.
4. Consent shall not be issued until a suitable legal agreement has been concluded in relation to tram contributions.

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.

5. The applicant will be required to contribute the net sum of £149,899 (based on proposed 157 bed hotel and existing 3,593m² office use in Zone 1) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
6. The applicant will be required to contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;

7. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;
8. An acoustic screen to the western side of the terrace shall be erected as shown on plan (PL)003A. The acoustic screen shall be 1.83m high, have a superficial mass of at least 15 Kg/m² and be of a solid construction. If constructed of timber, a close boarded timber panelling system should be used to ensure that there are no gaps between panels when accounting for thermal expansion and contraction or through warping processes.
9. (a) The kitchen shall be ventilated by a system capable of achieving a minimum of 30 air changes per hour, and cooking effluvia shall be ducted to the roof plant area as shown in plan (SK)051.

(b) The kitchen ventilation system being designed and installed so that gases are expelled with a minimum upwards velocity of 15 metres per second.

(c) The ventilation system shall be installed, tested and operational, prior to the use hereby approved being taken up.

Financial impact

4.1 The financial impact has been assessed as follows:

The application is subject to a legal agreement for developer contributions.

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 meets 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

Following statutory neighbour notification and advertisement, 52 letters of objection have been received. The matters raised are addressed in the assessment section 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 is within the Urban Area as defined by the Local Development Plan.

Date registered

3 July 2018

Drawing numbers/Scheme

01-02, 03A, 04-26,

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Murray Couston, Planning Officer

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Links - Policies

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

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

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

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

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

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.

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, parking, streets and landscape, in Edinburgh.

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 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) identifies the circumstances in which developer contributions will be required.

Appendix 1

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Consultations

Transportation

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

1. The applicant will be required to:
 - a. Contribute the net sum of £149,899 (based on proposed 157 bed hotel and existing 3,593m² office use in Zone 1) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
 - b. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;
2. The 2017 Parking Standards requires the applicant to provide 1 motorcycle parking provision for the proposed development in Zone 2;
3. The applicant proposes to widen the footway west of Devon Place to 2.0m. This complies with requirements by the 2017 Edinburgh Street Design Guidance;
4. The proposed loading bay west of Devon Place for servicing should be 2.5m wide. The ESDG Factsheet G2- Carriageway Widths requires loading bays used by Large Vans and Lorries (RCV) to be 2.5m deep;
5. Any parking spaces/loading bay adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property;
6. The functioning of the proposed taxi drop off from the access on Devon Place has been demonstrated by swept path analysis using a typical vehicle that is expected make use of the space;

7. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;

8. Any sign, canopy or similar structure mounted perpendicular to the building (i.e. overhanging the footway) must be mounted a minimum of 2.25m above the footway and 0.5m in from the carriageway edge to comply with Section 129(8) of the Roads (Scotland) Act 1984;

9. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of any non-adopted lighting applicable to the application address.

10. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to disconnect and disable a sign, or take any other steps, required to ensure that any display on a sign which constitutes a danger to road users is removed or screened. The Council will seek to recover their costs for undertaking such action and the applicant should note that the display of any moving images is likely to result in immediate action under Section 93.

11. Any off-street parking space should comply with the Council's Guidance for Householders dated 2017

a. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;

b. Any gate or doors must open inwards onto the property;

c. Any hard-standing outside should be porous;

d. 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

12. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;

Note:

a. Existing 3593m² office use tram contribution in Zone 1 = £331,387; proposed 157 bed hotel use = £481,286, net tram contribution = £149,899.

b. The applicant proposed 2 disabled parking spaces and complies with the Council's 2017 Parking Standards which allows a maximum of 79 parking provision in Zone 2 for the proposed development. No further car parking is proposed. The area of the proposed development is highly accessible by Public transport - tram, rail and bus.

c. The applicant proposed 20 cycle spaces and complies with the Council's 2017 Parking Standards which requires a minimum of 16 secure cycle parking provision in Zone 2. The applicant proposed 10 cycle parking in the ground floor area and 10 spaces capacity covered cycle store in the courtyard.

d. The applicant by means of TRICS weekday people trips comparison has demonstrated that the proposed hotel use will generate fewer trips than the existing office use.

Environmental Protection

The application site is currently a vacant office building. It is situated on Osborne Terrace, which is a busy, main thoroughfare into the city centre. To the north is located the former Donaldson's School site which is currently being redeveloped as residential accommodation. As the Donaldson's building is set back from the road, it is approximately 165m away from the application site. To the north-east, at the nearest corner of the Donaldson site is a former gatehouse building which has been redeveloped as residential accommodation. Further to the north-east is located a 5 storey hotel on the corner of Magdala Crescent / Haymarket Terrace.

To the east, on the same side of the street is an existing, large modern office building which appears to be around 5 storeys high. To the south, at the rear of the proposed development at Devon Place, there is a row of 4 single storey cottages, some of which have had loft conversions. Further west along Devon Place is a car dealership premises, adjacent to which is a terraced row of one and a half storey houses. Further west to the proposed development at West Coates are existing Victorian period semi-detached and detached villas.

In terms of mechanical plant noise, a Noise Impact Assessment (NIA) was provided by the agent. As there is currently no agreed occupier, there is no specification for any of the mechanical plant to be installed. Therefore, the NIA calculated the maximum noise level from all roof top plant that would satisfy the NR25 standard inside the nearest residential property. A condition has been recommended.

The position of the external terrace, posed a potential noise issue to the nearest neighbouring residential house to the west. Due to design constraints, it was not feasible for this to be relocated. However, it has been reduced in size and the agent has agreed to install an acoustic barrier. Therefore, a condition has been recommended.

Similarly, in terms of adequate dispersal of cooking odour, as the specification of the system has not been determined, conditions have been recommended.

The agent submitted an Air Quality Impact Assessment (AQIA) as part of the application. The development site is located within the city centre Air Quality Management Area (AQMA) which was declared due to exceedances of the annual mean NO₂ objective concentration. The report concluded that the existing baseline concentrations of NO₂, PM₁₀ and PM_{2.5} within the vicinity of the proposed development are below the relevant air quality objectives for short and long-term exposure. The proposed development does not generate any new traffic but results in a net reduction due to the removal of 52 car parking spaces. The redevelopment will result in the installation of new boilers which have a significantly improved NO_x emission limit value of <40mg/kWh.

Environmental Protection has no objection to this development subject to the attached conditions.

Conditions

1. (a) The combined noise level from all roof top plant as shown on drawing SK(051) shall comply with permitted noise levels in Table 1 below.

Table 1. Maximum plant noise values (dB re 2 x 10⁻⁵ Pa)

Octave Band Frequency (Hz)	63	125	250	500	1kHz	2kHz	4kHz
Permitted noise levels (Leq) at 1m away from the plant (dB)	85	74	65	59	55	50	48

(b) Once the specification of all mechanical plant has been determined, a further Noise Impact Assessment (NIA) shall be provided that demonstrates that the above requirement have been met.

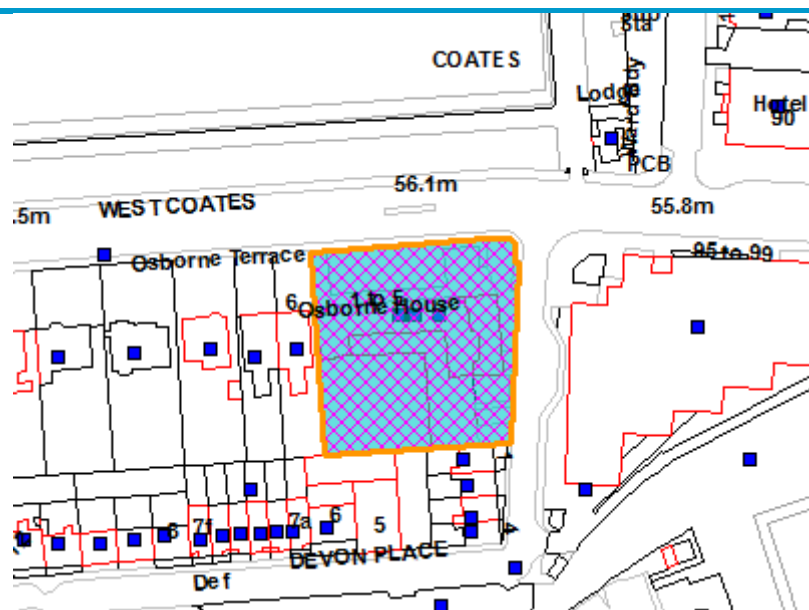
2. An acoustic screen to the western side of the terrace shall be erected as shown on plan (PL)003A. The acoustic screen shall be 1.83m high, have a superficial mass of at least 15 Kg/m² and be of a solid construction. If constructed of timber, a close boarded timber panelling system should be used to ensure that there are no gaps between panels when accounting for thermal expansion and contraction or through warping processes.

3. (a) The kitchen shall be ventilated by a system capable of achieving a minimum of 30 air changes per hour, and cooking effluvia shall be ducted to the roof plant area as shown in plan (SK)051. To ensure that no cooking odour escape or are exhausted into any neighbouring premises.

(b) The kitchen ventilation system being designed and installed so that gases are expelled with a minimum upwards velocity of 15 metres per second.

(c) The ventilation system shall be installed, tested and operational, prior to the use hereby approved being taken up.

Location Plan



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