

Notice of meeting and agenda

Planning Local Review Body (Panel 2)

10.00 am Wednesday, 3rd November, 2021

Microsoft Teams

This is a public meeting and members of the public are welcome to watch the webcast live on the Council's website.

Contacts

Email: natalie.le.couteur@edinburgh.gov.uk

1. Appointment of Convener

- 1.1 The Local Review Body is invited to appoint a Convener from its membership.

2. Order of Business

- 2.1 Including any notices of motion and any other items of business submitted as urgent for consideration at the meeting.

3. Declaration of Interests

- 3.1 Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

4. Minutes

- 4.1 Minute of the Local Review Body (Panel 2) – 30 September 2021 – submitted for approval as a correct record (to follow) 9 - 14

5. Local Review Body - Procedure

- 5.1 Note of the outline procedure for consideration of all Requests for Review 15 - 18

6. Requests for Review

- 6.1 1 Baird Gardens, Edinburgh – Increase existing attic accommodation by constructing gable ends to existing hipped roof – application no 21/03745/FUL. 19 - 48
- (a) Decision Notice and Report of Handling
- (b) Notice of Review and Supporting Documents

Note: The applicant has requested that the review proceed on the basis of an assessment of the review documents and a site inspection.

- 6.2** 42 Broomhouse Bank, Edinburgh - Convert part of the front garden into a monoblock driveway. Providing off-road parking and access to potential future electric vehicle charge point on the property – application no. 21/04120/FUL. 49 - 62

(a) Decision Notice and Report of Handling

(b) Notice of Review and Supporting Documents

Note: The applicant has requested that the review proceed on the basis of an assessment of the review documents only.

- 6.3** 14 - 15 Minto Street 2, Edinburgh - Formation of new hotel bedrooms in the rear grounds of 14 Minto Street – application no. 21/03281/FUL. 63 - 138

(a) Decision Notice and Report of Handling

(b) Notice of Review and Supporting Documents

(c) Further Representations

Note: The applicant has requested that the review proceed on the basis of an assessment of the review documents only.

7. Extracts of Relevant Policies from the Edinburgh Local Development Plan

- 7.1** Extracts of Relevant Policies from the Edinburgh Local Development Plan for the above review cases

[Local Development Plan Online](#)

Edinburgh Local Development Plan Policy Des 1 (Design Quality and Context)

Edinburgh Local Development Plan Policy Des 4 (Development

Design - Impact on Setting)

Edinburgh Local Development Plan Policy Des 5 (Development Design - Amenity)

Edinburgh Local Development Plan Policy Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.

Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)

Edinburgh Local Development Plan Policy Emp 10 (Hotel Development)

Edinburgh Local Development Plan Policy Env 4 (Listed Buildings - Alterations and Extensions)

Edinburgh Local Development Plan Policy Env 3 (Listed Buildings - Setting)

Edinburgh Local Development Plan Policy Env 6 (Conservation Areas - Development)

Edinburgh Local Development Plan Policy Env 8 (Protection of Important Remains)

Edinburgh Local Development Plan Policy Env 9 (Development of Sites of Archaeological Significance)

Edinburgh Local Development Plan Policy Env 12 (Trees)

Edinburgh Local Development Plan Policy Env 21 (Flood Protection)

Edinburgh Local Development Plan Policy Tra 2 (Private Car Parking)

Edinburgh Local Development Plan Policy Tra 3 (Private Cycle Parking)

Edinburgh Local Development Plan Policy Tra 4 (Design of Off-Street Car and Cycle Parking)

8. Non-Statutory Guidance

8.1 [Guidance for Householders](#)

139 - 166

[Guidance for Businesses](#)

[Listed Buildings and Conservations Areas](#)

[Edinburgh Design Guidance](#)

[The Blacket Conservation Area Character Appraisal](#)

Relevant Government Guidance on Historic Environment

Managing Change in the Historic Environment: Boundaries

Managing Change in the Historic Environment: Setting

Note: The above policy background papers are available to view on the Council's website www.edinburgh.gov.uk under Planning and Building Standards/local and strategic development plans/planning guidelines/conservation areas, or follow the links as above.

Nick Smith

Service Director, Legal and Assurance

Membership Panel

Councillor Chas Booth, Councillor Maureen Child, Councillor Hal Osler, Councillor Cameron Rose and Councillor Denis Dixon

Information about the Planning Local Review Body (Panel 2)

The City of Edinburgh Planning Local Review Body (LRB) has been established by the Council in terms of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008. The LRB's remit is to determine any request for a review of a decision on a planning application submitted in terms of the Regulations.

The LRB comprises a panel of five Councillors drawn from the eleven members of the Planning Committee. The LRB usually meets every two weeks, with the members rotating in two panels of five Councillors.

This meeting of the LRB is being held virtually by Microsoft Teams.

Further information

Members of the LRB may appoint a substitute from the pool of trained members of the Planning Committee. No other member of the Council may substitute for a substantive member. Members appointing a substitute are asked to notify Committee Services (as detailed below) as soon as possible

If you have any questions about the agenda or meeting arrangements, please contact blair.ritchie@edinburgh.gov.uk, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 529 40856160, email blair.ritchie@edinburgh.gov.uk

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to the Council's online [Committee Library](#).

Live and archived webcasts for this meeting and all main Council committees can be viewed online by going to the Council's [Webcast Portal](#).

Unless otherwise indicated on the agenda, no elected members of the Council, applicant, agent or other member of the public may address the meeting.

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Minutes

The City of Edinburgh Planning Local Review Body (Panel 2)

10.30am, Thursday 30 September 2021

Present: Councillor Chas Booth (item 1-4), Councillor Maureen Child, Councillor Robert Munn, Councillor Hal Osler, Councillor Cameron Rose.

1. Appointment of Convener

Councillor Munn was appointed as Convener.

2. Minutes

To approve the minute of the Local Review Body (LRB Panel 2) of 25 August 2021 as a correct record.

3. Planning Local Review Body Procedure

Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted)

4. Request for Review –1 Commercial Street, Edinburgh

Details were submitted of or a new decking area for external tables and chairs including a parasol with 4m cover, portable planters with perspex sound diffusers (in retrospect) at 1 Commercial Street, Edinburgh. Application number 19/04799/FUL.

At the meeting of 23 June 2021, the Panel agreed to continue consideration of the matter to allow Environmental Protection to comment on the new information provided in the updated Noise Impact Assessment submitted by the applicant in support of their appeal.

Assessment

At the meeting on 30 September 2021, following a site visit on 16 September 2021, the LRB had been provided with copies of the notice of review submitted by you including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice, the report of handling and a letter from environmental protection.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were numbered 01-03 Scheme 1, being the drawings shown under the application reference number 1904799/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it and agreed to determine the review using the information circulated.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan.
 - Edinburgh Local Development Plan Policies Des 4 (Development Design – Impact on Setting);
 - Env 6 (Conservation Areas - Development);
 - Hou 7 (Inappropriate Uses in Residential Areas).
- 2) Relevant Non-Statutory Guidelines.
Listed Buildings and Conservation Areas
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- Whether the colour of the planters was appropriate.
- If it was the additional area of decking which had been added during Covid for which the applicant was seeking planning permission in retrospect.
- That additional items which had been added did not form part of the Review.
- That the decking had an unsightly appearance.
- That it was clearly specified that the appellant leased the premises from Star Bars.
- That the statement from Environmental Protection advised that there was no nearby overlooking properties.
- That the objection was from a resident at Commercial Wharf and specified issues associated with access for refuse vehicles, rather than noise concerns.
- That Environmental Health confirmed that there were no noise complaints, and that there had been no recent change to this in the intervening period since the matter was last considered by the LRB panel 1 on 27 May 2020.
- That the impact on the conservation area was concerning.
- Whether the appellant had the option to resubmit their application with revised proposals.

- Whether there was a difference between refuse and the option to enforce and refuse.
- That an enforcement action would take place in the event of the LRB upholding the decision of the Chief Planning Officer to refuse planning permission.
- That the decking which was in situ when the site visit was made did not resemble what was reflected on the application as originally submitted.
- That there was a potential conflict between users of the decking and people crossing the road.
- That if a different operator may at one stage take on the premises, then the permission if granted would then pass onto the new operator.
- That the application should be overturned on the basis of Env 6.
- That the application which was presented was what would be determined by the LRB and that if there was any difference to this, the appellant would need to submit a further planning application for any differences.
- That the outside use was appropriate during Covid.
- That the decking detracted from the visual interests as set out within the Leith Conservation Character Appraisal, and the proposals would have a detrimental impact on this space between the Water of Leith and the adjacent buildings
- That the additions as seen on the site visit were of concern, which did not follow the form of the original planning application, but that the application would be assessed by the LRB based on what was outlined within the planning appeal.
- That the materials used were not of a high enough quality to have in a conservation area.
- That it was understood why the appellant would wish to encourage patrons to the water of Leith area.

Having taken all the above matters into consideration and although there was some sympathy for the proposals, the LRB was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Motion

To overturn the decision by the Chief Planning Officer and to grant planning permission.

Reasons for Approval:

- Moved by Councillor Rose, seconded by Councillor Osler

Amendment

To uphold the decision by the Chief Planning Officer to refuse planning permission and enforce.

Voting

For the motion - 2 votes
For the amendment - 3 votes

(For the motion: Councillors Rose and Osler.)

(For the amendment: Councillors Booth, Child and Munn)

Decision

To uphold the decision by the Chief Planning Officer to refuse planning permission and enforce.

Reasons for Refusal:

1. The proposal is contrary to LDP policies Des 4 and Env 6 and the Council's Non Statutory Guidance for Business. The proposal is not acceptable in principle and does not preserve or enhance the character and appearance of the Leith Conservation Area. The use of the space and the siting of the furniture associated with the space has a detrimental impact on the character and appearance of the Leith Conservation Area.
2. The proposal is contrary to LDP policy Hou 7 and the Council's Non-Statutory Guidance for Business as it has a detrimental impact on the amenity of neighbouring residents

(References – Decision Notice, Report of Handling and Notice of Review, submitted).

6. Request for Review – 1 East Mayfield, Edinburgh

Details were submitted of a request for review to form new 3-bedroom dwelling at 1 East Mayfield, Edinburgh, which was dealt with by the Chief Planning Officer under delegated powers. Application number 21/0088/FUL.

Assessment

At the meeting on 30 September 2021, the LRB had been provided with copies of the notice of review submitted by you including a request that the review proceed on the basis of an assessment of the review documents and a site visit. The LRB had also been provided with copies of the decision notice and the report of handling.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were numbered 01-12 Scheme 1, being the drawings shown under the application reference number 21/0088/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it and agreed to determine the review using the information circulated.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan.

Edinburgh Local Development Plan Policies:

- Env 4 (Listed Buildings – Alterations and Extensions)
- Env 6 (Conservation Areas – Development)

2) Relevant Non-Statutory Guidelines.

Listed Buildings and Conservation Areas

3) The procedure used to determine the application.

4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- Clarification was sought on former applications in association with this site.
- That there was no projection on the front of the building in previous applications.
- That the proposed zinc was possibly discordant with the existing roof colour however it was advised that the proposed zinc coloured seam would match the tiled roof and that the visual representation of this was shown to the panel.
- That the application site was outlined in red, and that there was a marking in blue which denoted any other areas on the map also owned by the applicant.
- That the planning officer in their consideration of the former and current applications and their decision to refuse planning permission had made the right decision in relation to preventing a change to prominent historic building in the city.
- That the previous decision on this site was undertaken by LRB review panel 1 of whom LRB panel 2 was independent to.
- That the new top floor flat proposed would provide an adaptation that would give the appellant further accommodation.
- That the environment issue in relation to Env 6 was of key consideration in the deliberations associated with this application.
- That in terms of massing the four chimneys gave some disguise to the proposed roof adaptation.
- That the main concern was the visibility of the additional massing on the roof, but that concern on the visibility of the addition to the roof differed depending on where a person was viewing the addition from.
- That the building was a B listed building.
- That there were concerns that the proposed colour of materials and the proposed form was inappropriate.

Having taken all the above matters into consideration and although there was some sympathy for the proposals, the LRB was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Decision

To uphold the decision by the Chief Planning Officer to refuse planning permission.

Reasons for Refusal:

1. The development did not comply with Section 59 of the Planning (Listed Building and Conservation Areas) Scotland Act 1997, Policy Env 4 of the Local Development Plan and was contrary to HES Managing Change Guidance on Roofs and non-statutory guidance on Listed Buildings and Conservation Areas as it fails to preserve the unique historic and architectural character of the listed building.
2. The development did not comply with Section 64 of the Planning (Listed Building and Conservation Areas) Scotland Act 1997, Policy Env 6 of the Local Development Plan and failed to preserve or enhance the character and appearance of the Waverley Park Conservation Area.

Dissent

Councillor Rose requested that his dissent be recorded in respect of this item.

Declarations of Interest

Councillor Chas Booth declared a non-financial interest in this item as he knew the applicant, left the virtual meeting and took no part in consideration of the item.

(References – Decision Notice, Report of Handling and Notice of Review, submitted)

City of Edinburgh Planning Local Review Body (the LRB)

General

1. Each meeting of the LRB shall appoint a Convener. A quorum of a meeting of the LRB will be three members.
2. The Clerk will introduce and deal with statutory items (Order of Business and Declarations of Interest) and will introduce each request for review.
3. The LRB will normally invite the planning adviser to highlight the issues raised in the review.
4. The LRB will only accept new information where there are exceptional circumstances as to why it was not available at the time of the planning application. The LRB will formally decide whether this new information should be taken into account in the review.

The LRB may at any time ask questions of the planning adviser, the Clerk, or the legal adviser, if present.

5. Having considered the applicant's preference for the procedure to be used, and other information before it, the LRB shall decide how to proceed with the review.
6. If the LRB decides that it has sufficient information before it, it may proceed to consider the review using only the information circulated to it. The LRB may decide it has insufficient information at any stage prior to the formal decision being taken.
7. If the LRB decides that it does not have sufficient information before it, it will decide which one of, or combination of, the following procedures will be used:
 - further written submissions;
 - the holding of one or more hearing sessions; and/or
 - an accompanied or unaccompanied inspection of the land to which the review relates.
8. Whichever option the LRB selects, it shall comply with legislation set out in the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 (the Regulations).

The LRB may hold a pre-examination meeting to decide upon the manner in which the review, or any part of it, is to be conducted.

If the LRB decides to seek further information, it will specify what further information is required in a written notice to be issued to the applicant, Chief Planning Officer and any interested parties. The content of any further submissions must be restricted to the matters specified in the written notice.

In determining the outcome of the review, the LRB will have regard to the requirements of paragraphs 11 and 12 below.

9. The LRB may adjourn any meeting to such time and date as it may then or later decide.

Considering the Request for Review

10. Unless material considerations indicate otherwise, the LRB's determination must be made in accordance with the development plan that is legally in force. Any un-adopted development plan does not have the same weight but will be a material consideration. The LRB is making a new decision on the application and must take the 'de novo' approach.
11. The LRB will:
 - Identify the relevant policies of the Development Plan and interpret any provisions relating to the proposal, for and against, and decide whether the proposal accords with the Development Plan;
 - identify all other material planning considerations relevant to the proposal and assess the weight to be given to these, for and against, and whether there are considerations of such weight as to indicate that the Development Plan should not be given priority;
 - take into account only those issues which are relevant planning considerations;
 - ensure that the relevant provisions of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 are assessed when the review relates to a listed building and/or conservation area; and
 - in coming to a determination, only review the information presented in the Notice of Review or that from further procedure.
12. The LRB will then determine the review. It may:
 - uphold the officer's determination;
 - uphold the officer's determination subject to amendments or additions to the reasons for refusal;
 - grant planning permission, in full or in part;
 - impose conditions, or vary conditions imposed in the original determination;
 - determine the review in cases of non-determination.

Procedure after determination

13. The Clerk will record the LRB's decision.
14. In every case, the LRB must give notice of the decision ("a decision notice") to the applicant. Every person who has made, and has not withdrawn, representations in respect of the review, will be notified of the location where a copy of the decision notice is available for inspection. Depending on the decision, the planning adviser may provide assistance with the framing of conditions of consent or with amended reasons for refusal.
15. The Decision Notice will comply with the requirements of regulation 22.
16. The decision of the LRB is final, subject to the right of the applicant to question the validity of the decision by making an application to the Court of Session. Such application must be made within 6 weeks of the date of the decision. The applicant will be advised of these and other rights by means of a Notice as specified in Schedule 2 to the regulations.

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DECISION NOTICE AND REPORT OF HANDLING

Application address - 1 Baird Gardens Edinburgh EH12 5RS

Application Ref. No - 21/03745/FUL

Review Ref No - 21/00105/REVREF

Review Lodged Date 14.10.2021

COPY

Shona Mackay
Format Design
146 Duddingston Road West
Edinburgh
Scotland
EH16 4AP

Mr Daryl Hardy.
1 Baird Gardens
Edinburgh
EH12 5RS

Date: **13 September 2021**,

Your ref:

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS

**DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS
2013**

Increase existing attic accommodation by constructing gable ends to existing hipped roof.

At 1 Baird Gardens Edinburgh EH12 5RS

Application No: 21/03745/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 9 July 2021, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

Conditions:-

Reasons:-

1. The proposal is contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it is not compatible with the character of the existing building and the neighbourhood character.
2. The proposals are contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as they are not compatible with the character of the existing building and will affect the neighbourhood character..

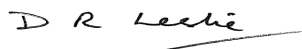
Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01-03, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Weronika Myslowiecka directly at weronika.myslowiecka@edinburgh.gov.uk.



David R. Leslie
Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at www.eplanning.scot or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email localreviewbody@edinburgh.gov.uk.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Report of Handling

Application for Planning Permission 21/03745/FUL

At 1 Baird Gardens, Edinburgh, EH12 5RS

Increase existing attic accommodation by constructing gable ends to existing hipped roof.

Item	Local Delegated Decision
Application number	21/03745/FUL
Wards	B06 - Corstorphine/Murrayfield

Summary

Links

<u>Policies and guidance for this application</u>	LDPP, LDES12, NSG, NSHOU,
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Report of handling

Recommendations

1.1 It is recommended that this application be Refused for the reasons below..

Background

2.1 Site description

2.2 Site History

Main report

3.1 Description Of The Proposal

Site Description

The application site is a detached bungalow, located on the corner of Baird Gardens and Baird Avenue.

Description Of The Proposal

The application proposes to change the format of the roof from a hipped roof to a gable roof. Also, it has been proposed to increase the size of the rear dormer and relocate the rooflights.

The proposed rooflight on the rear elevation of the dwelling house is permitted development. No further assessment is required of this element of the works.

3.2 Determining Issues

3.3 Assessment

To address these determining issues, it needs to be considered whether:

- a) the proposed scale, form and design is acceptable and will not be detrimental to neighbourhood character;
- b) the proposal will cause an unreasonable loss to neighbouring amenity;
- c) any impacts on equalities or human rights are acceptable; and
- d) any comments raised have been addressed.

a) Scale, form, design and neighbourhood character

Edinburgh Local Development Plan (LDP) policy Des 12 (alterations and extensions) states that permission will be granted for alterations and extensions that in design, form, materials and positioning are compatible with the character of the existing building and will not be detrimental to the neighbourhood character.

The Guidance for Householders states that in general the pitch and form of an extension roof should match that of the existing and 'the hipped roof character of the host building should be respected. gable end extensions will generally not be allowed unless this fits in with the character of the area, and is of a high quality innovative design'.

The particular area is characterised by hipped roofs and it is the predominant roofscape, forming part of the neighbourhood character. The application property was recently extended and the proposals retained the hipped roof character as part of that scheme.

The proposed roof extension by virtue of changing the hipped roof to a gable roof alters the original form of the roofscape. This is unacceptable in this location, as it will be disruptive to the surrounding bungalow style properties. Given its location within the street, it would appear as a disjointed and incongruous addition that fails to respect the original uniform character of the whole building.

Hip to gable enlargements are not characteristic on any bungalow style properties in the immediate area. It is recognised that there is range in the scale, form and design of properties nearby. However, the vast majority of the properties are bungalows with hipped roofs. This proposal would result in a conspicuous intervention that fails to respect the established form of these property types in the area. It is therefore an incompatible addition that would be detrimental to the existing house and the neighbourhood character contrary to LDP policy Des 12 and the non-statutory guidance.

The rear dormer would be centrally positioned over the windows on the lower levels, and it would retain roof expanse on all four sides of the altered roof form. It is a large addition, however, it would not appear overly dominant in relation to the proportions of the property or surrounding area where dormers are evident. Further, the materials would match the replacement roof which is appropriate. In light of the above this element of the scheme is acceptable.

A discussion took place with the agent to amend the scheme in order to achieve a reasonable solution without the change to the roofscape but it was requested to determine the application.

The proposal does not comply with Local Development Plan Policy Des 12 and the non-statutory Guidance for Householders.

b) Neighbouring amenity

The proposals have been assessed against requirements set out in the non-statutory Guidance for Householders to ensure there is no unreasonable loss to neighbouring amenity with respect to privacy, overshadowing and loss of daylight or sunlight.

The proposals comply with Local Development Plan Policy Des 12 and the non-statutory Guidance for Householders.

c) Equalities and human rights

This application was assessed in terms of equalities and human rights. No impact was identified.

d) Public comments

No comments were received.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Risk, Policy, compliance and governance impact

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

Equalities impact

5.1 The equalities impact has been assessed as follows:

Consultation and engagement

6.1 Pre-Application Process

6.2 Publicity summary of representations and Community Council comments

Background reading / external references

- To view details of the application go to
- [Planning and Building Standards online services](#)

David R. Leslie

**Statutory Development
Plan Provision**

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?

Date registered 9 July 2021

Drawing numbers/Scheme 01-03

Scheme 1

Acting Head of Planning and Building Standards

Contact: Weronika Myslowiecka, Planning Officer
E-mail: weronika.myslowiecka@edinburgh.gov.uk Tel: 0131 529 3903

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'GUIDANCE FOR HOUSEHOLDERS' provides guidance for proposals to alter or extend houses or flats.

COPY

Consultations

END

COPY



Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100482706-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☒ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr & Mrs"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="D"/>	Building Number:	<input type="text" value="1"/>
Last Name: *	<input type="text" value="Hardie"/>	Address 1 (Street): *	<input type="text" value="Baird Gardens"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH12 5RS"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

Site Address Details

Planning Authority:

City of Edinburgh Council

Full postal address of the site (including postcode where available):

Address 1:

1 BAIRD GARDENS

Address 2:

SAUGHTONHALL

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH12 5RS

Please identify/describe the location of the site or sites

Northing

672564

Easting

322051

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Increase existing attic accommodation by constructing gable ends to existing hipped roof

Type of Application

What type of application did you submit to the planning authority? *



Application for planning permission (including householder application but excluding application to work minerals).



Application for planning permission in principle.



Further application.



Application for approval of matters specified in conditions.

What does your review relate to? * <input checked="" type="checkbox"/> Refusal Notice. <input type="checkbox"/> Grant of permission with Conditions imposed. <input type="checkbox"/> No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.	
Statement of reasons for seeking review You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters) Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account. You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances. <div style="border: 1px solid black; height: 60px; margin-top: 10px; padding: 5px;"> Please see attached applicant's appeal statement </div>	
Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 	
If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters) <div style="border: 1px solid black; height: 60px; margin-top: 10px;"></div>	
Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters) <div style="border: 1px solid black; height: 60px; margin-top: 10px; padding: 5px;"> Appeal statement and photos </div>	
Application Details	
Please provide the application reference no. given to you by your planning authority for your previous application.	<div style="border: 1px solid black; padding: 2px;">21/03745/FUL</div>
What date was the application submitted to the planning authority? *	<div style="border: 1px solid black; padding: 2px;">09/07/2021</div>
What date was the decision issued by the planning authority? *	<div style="border: 1px solid black; padding: 2px;">13/09/2021</div>

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☐ Yes ☒ No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

To allow the Local Review Body to view the application site and surrounding area

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mrs Shona Mackay

Declaration Date: 11/10/2021

Appeal against the refusal of planning permission to extend roof accommodation at

1 Baird Gardens Edinburgh EH12 5RS - 21/03745/FUL

We wish to appeal against this refusal of planning permission, as we as a family are obviously extremely disappointed. This is our family home, my daughter is recovering from a serious operation, and fortunately she is now doing well, but we would like to give her additional space in her bedroom as she is a growing teenager.

There are already dormer windows to the front and rear of the building, and in our eyes another dormer to the end elevations is not an option here. We felt that creating the gable ends would give us the floor space, without having to actually extend the building, this would simply be improving the ceiling heights within the attic bedrooms. Our bedroom and our daughter's bedroom are on the same floor for easy access.

We would like to bring to your attention that our bungalow is on the corner, and it is a bungalow that has been extended, which my father-in-law, who previously owned the house, carried out in 2006. My father-in-law is a master slater, and the slates are Burlington slates, see photo attached, and the bungalow does have fish scale slates as banding. If our application was approved we intended reusing the timbers and slates and continue the fish scale banding to the proposed gable.

We have taken advice from our Agent, who has explained the position with regard to the *Planning Policies* and we outline below the reasons for refusal for ease of reference.

1. The proposal is contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it is not compatible with the character of the existing building and the neighbourhood character.

2. The proposals are contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as they are not compatible with the character of the existing building and will affect the neighbourhood character.

We do find it difficult to understand why the Local Development Plan in respect of Alterations and Extensions advises that our proposal is not compatible with the neighbourhood character, (we attach a selection of photos from our surrounding area for reference).

We also have difficulty understanding how our proposal is not compatible with the Householder's Guidance, which again states that the proposal is not compatible with the neighbourhood character. This would indicate that our application was refused as we proposed a traditional gable roof design in an area dominated by hipped roofs.

We do not see why being different on this corner site should be a bad thing. The house, as explained above, had already been extended at ground level, and the rear to this extension is a glazed gable, which was approved in 2006, the proposed gables will reflect this rear gable (I attach a photo of the rear gable).

We feel that as this is a corner site and is not positioned in a row of bungalows, it could be treated differently. The Planning Policy was perhaps designed for bungalows being of a similar style in streets, where if they are hipped they may want to keep them hipped, and perhaps it would not be appropriate for gables in such a situation. We are on a corner and feel that there is the opportunity to have an innovative design, which would face on to Baird Gardens.

Our house is well screened by mature trees and these would be retained, photos are attached of our house viewed from the street.

We are adjacent to a four in a block, which is completely different from our bungalow. The bungalow opposite us, while still retains its hips also has large dormers. You will see from the photographs that there are lots of bungalows in the area, but they are all different styles. There are also a variety of dormer windows, and we feel that our bungalow with the gable wall will not in fact look out of place at all and would enhance the street scape. There will be no loss of amenity to neighbours from our proposal and there have been no objections to the application.

The officer's report refers to the "**Guidance for Householders**" which advises that "*In **general** the pitch and form of an extension roof*". The pitch that we are proposing is identical to the existing pitch and the ridge is the same height. We will also be able to reuse the timbers that are coming from the hip of the proposal, therefore assisting sustainability by reusing existing materials.

Under the heading "**Bungalow Extensions**" the guidelines state "*Gable end extensions will **generally** not be allowed unless this fits in with the character of the area and is of a high-quality innovative design.*" We think that our proposal will be of a high quality and innovative design as the roof will be integrated into the gable in such a way that the Burlington slates with the fish scale banding will give this a high quality standard of finish, as well as an innovative design.

The word "**generally**" would also imply not all of the time. In this instance, our house will remain in keeping with the scale and form (generally) of the surrounding buildings. It sits at an angle across the corner and so is different in character to other intermediate dwellings. It also has an existing gable styled rear extension, as mentioned above, and the new gables to the roof will match this. We naturally dispute that the property will look alien or out of place once completed. It may have differences but it will be generally in keeping with the area. It will not look piecemeal as has been seen in and around the area, this will look like a building as if it was designed originally in this form.

To conclude, we hope that under the circumstances, our family position and our daughter's requirements for additional space, and us as parents also requiring a bit more room in the roof space, that you can consider the proposal to be acceptable and an innovative design. It will also add a bit of interest to the streetscape of the road adjacent at Baird Avenue, therefore making a positive addition. We hope that you will be in a position to overturn the refusal and grant planning approval.

Thank you for taking the time to consider this appeal and we hope that the Committee can overturn the refusal and grant planning permission.

Mr & Mrs Hardy

1 Baird Gardens

Edinburgh

EH12 5RS

Photographs of our house and variety of house types in surrounding area & sketch:



Our house on the corner



Houses on Baird Avenue opposite our house



Our house looking along Baird Avenue



**Our house with the existing end elevation
screened by a mature tree**



Our next door neighbour's house – Baird Avenue



Our house gable seen between our neighbour's house and the tree – Baird Gardens



House types in our area



House types in our area – gable extension attached to hip roof



House types in our area



House types in our area



House types in our area



Our corner house showing the existing rear gable



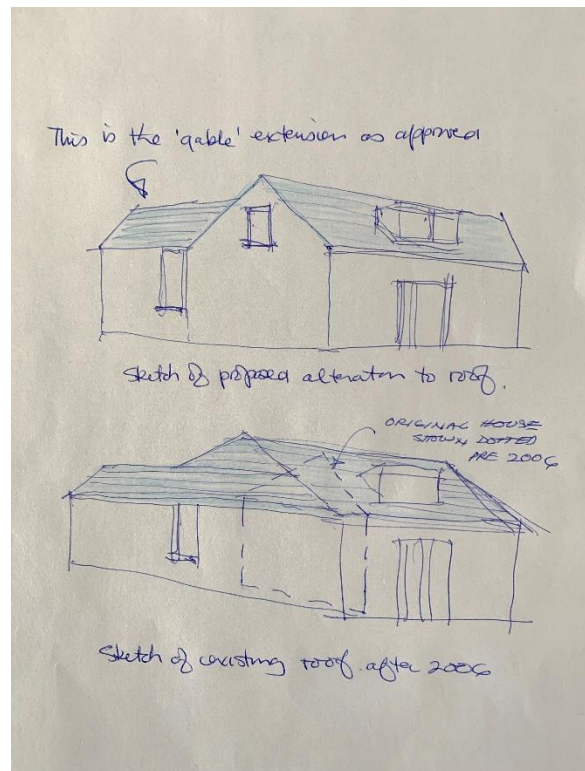
Our end elevation showing the band of fish scale slates



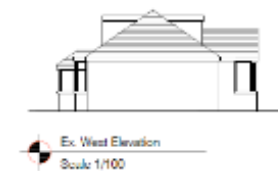
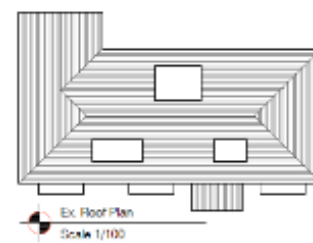
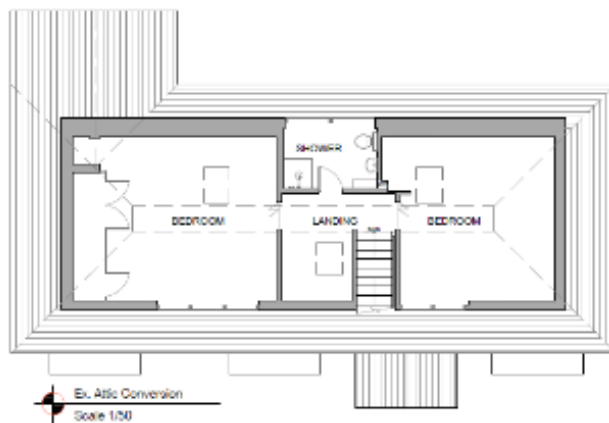
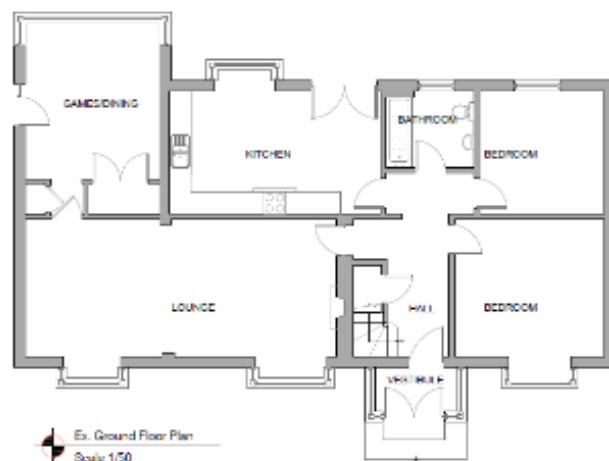
Our gable extension



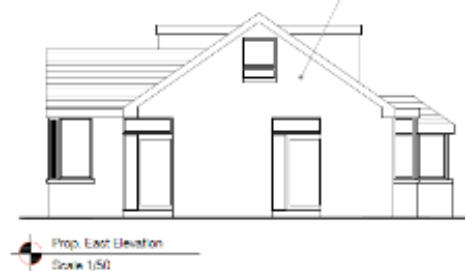
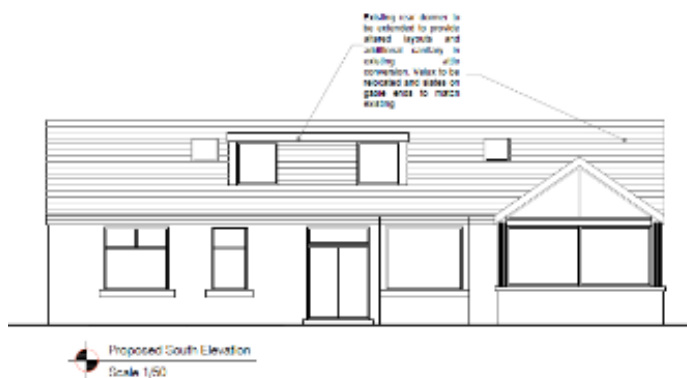
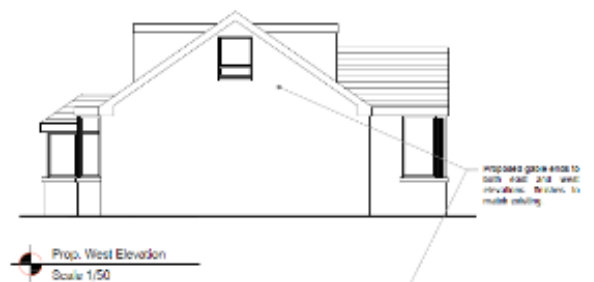
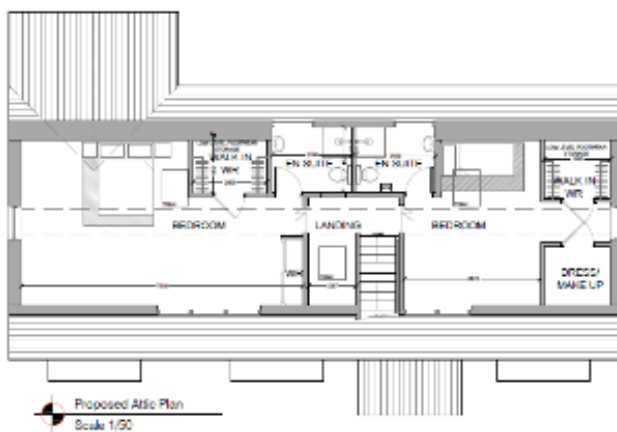
Our 2006 gable extension



Sketch of existing house and proposed gable



EXISTING



PROPOSED

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Dr Peter Connolly.
42 Broomhouse Bank
Edinburgh
EH11 3TL

Decision date: 30 September 2021

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Convert part of the front garden into a monoblock driveway. Providing off-road parking and access to potential future electric vehicle charge point on the property.
At 42 Broomhouse Bank Edinburgh EH11 3TL

Application No: 21/04120/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 2 August 2021, this has been decided by **Local Fast Track Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

Conditions:-

1. The proposals are contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as they do not meet the required safety and depth standards for the formation of a driveway..

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.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01-03, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The proposed development does not meet the minimum size requirements in terms of depth as recommended by the Roads Authority and highlighted in the non-statutory Guidance for Householders. Therefore, the proposal is not in accordance with LDP policies Des 12, and the non-statutory Guidance for Householders and is not acceptable.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Weronika Myslowiecka directly at weronika.myslowiecka@edinburgh.gov.uk.



Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

1.If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at www.eplanning.scot or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email localreviewbody@edinburgh.gov.uk

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

..
,,

Report of Handling

Application for Planning Permission
42 Broomhouse Bank, Edinburgh, EH11 3TL

Proposal: Convert part of the front garden into a monoblock driveway. Providing off-road parking and access to potential future electric vehicle charge point on the property.

Item – Local Fast Track Decision
Application Number – 21/04120/FUL
Ward – B07 - Sighthill/Gorgie

Recommendation

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

Summary

The proposed development does not meet the minimum size requirements in terms of depth as recommended by the Roads Authority and highlighted in the non-statutory Guidance for Householders. Therefore, the proposal is not in accordance with LDP policies Des 12, and the non-statutory Guidance for Householders and is not acceptable.

SECTION A – Application Background

Site Description

The application site is a lower ground floor flat, within four-in-a block property, located on Broomhouse Bank.

Description Of The Proposal

The application proposes driveway to the front of the property.

Relevant Site History

No relevant site history.

Consultation Engagement

No Consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 9 August 2021

Date of Advertisement: Not Applicable

Date of Site Notice: Not Applicable

Number of Contributors: 0

Section B - Assessment

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?

Assessment

To address these determining issues, it needs to be considered whether:

- a) the proposed scale, form and design is acceptable and will not be detrimental to neighbourhood character;
- b) the proposal will cause an unreasonable loss to neighbouring amenity;
- c) any impacts on equalities or human rights are acceptable; and
- d) any comments raised have been addressed.

a) Scale, form, design and neighbourhood character

The proposed hard-standing area would cover approximately 78% of the front garden area of hard standing with porous materials. The non-statutory "Guidance for Householders" advises that parking spaces in front gardens should be a maximum of 21 square metres or 25% of the area, whichever is the greater. This parking space takes up 59% of the garden area and exceed this criterion resulting in an overly dominant feature in this amenity space, detracting from its green character. Secondly, the front parking space should be at least 6 metres deep and the current proposal is less than that. Therefore, the proposal does not meet the standards set up by the non-statutory guidance.

The proposal is not of an acceptable scale or form, would be detrimental to neighbourhood character and does not comply with LDP Policies Des 12 and to the non-statutory Guidance for Householders.

b) Neighbouring amenity

The proposed development fully complies with the privacy requirements of the non-statutory Guidance for Householders. The proposal will not have an adverse impact on neighbouring amenity in terms of loss of privacy and daylighting.

c) Equalities and human rights

This application was assessed in terms of equalities and human rights. No impact was identified.

d) Public comments

No comments

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions:-

1. The proposals are contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as they do not meet the required safety and depth standards for the formation of a driveway..

Informatives

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.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - [Local Development Plan](#)

Date Registered: 2 August 2021

Drawing Numbers/Scheme

01-03

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Weronika Myslowiecka, Planning Officer
E-mail: weronika.myslowiecka@edinburgh.gov.uk

Appendix 1

Consultations

No consultations undertaken.



Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100482576-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☒ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Dr"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Peter"/>	Building Number:	<input type="text" value="42"/>
Last Name: *	<input type="text" value="Connolly"/>	Address 1 (Street): *	<input type="text" value="Broomhouse Bank"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH11 3TL"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

Site Address Details

Planning Authority:

City of Edinburgh Council

Full postal address of the site (including postcode where available):

Address 1:

42 BROOMHOUSE BANK

Address 2:

BROOMHOUSE

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH11 3TL

Please identify/describe the location of the site or sites

Northing

671059

Easting

320111

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Convert part of the front garden into a monoblock driveway. Providing off-road parking and access to potential future electric vehicle charge point on the property.

Type of Application

What type of application did you submit to the planning authority? *



Application for planning permission (including householder application but excluding application to work minerals).



Application for planning permission in principle.



Further application.



Application for approval of matters specified in conditions.

<p>What does your review relate to? *</p> <p><input checked="" type="checkbox"/> Refusal Notice.</p> <p><input type="checkbox"/> Grant of permission with Conditions imposed.</p> <p><input type="checkbox"/> No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.</p>	
<p>Statement of reasons for seeking review</p> <p>You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)</p> <p>Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.</p> <p>You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.</p> <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> <p>Refusal for planning permission for a driveway was based on insufficient depth which should be 6 meters. There were two issues with the application: -A key measurement had a typo (388 cm was incorrectly listed at 328 cm) - A measurement of the full garden depth was not included. These gave the misleading impression of a shallower garden. The main depth of the garden is in fact 650 cm, and 750 cm at its deepest point. These measurements have been added in the amended drawing.</p> </div>	
<p>Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)</p> <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> <p>The key measurement of garden depth was not provided in the first instance, and one measurement which was provided was incorrect, which implied a shallower garden.</p> </div>	
<p>Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)</p> <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> <p>drawing_2.pdf - providing the correct necessary measurements</p> </div>	
<p>Application Details</p>	
<p>Please provide the application reference no. given to you by your planning authority for your previous application.</p>	<div style="border: 1px solid black; padding: 5px; text-align: center;">21/04120/FUL</div>
<p>What date was the application submitted to the planning authority? *</p>	<div style="border: 1px solid black; padding: 5px; text-align: center;">02/08/2021</div>
<p>What date was the decision issued by the planning authority? *</p>	<div style="border: 1px solid black; padding: 5px; text-align: center;">30/09/2021</div>

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☐ Yes ☐ No ☒ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

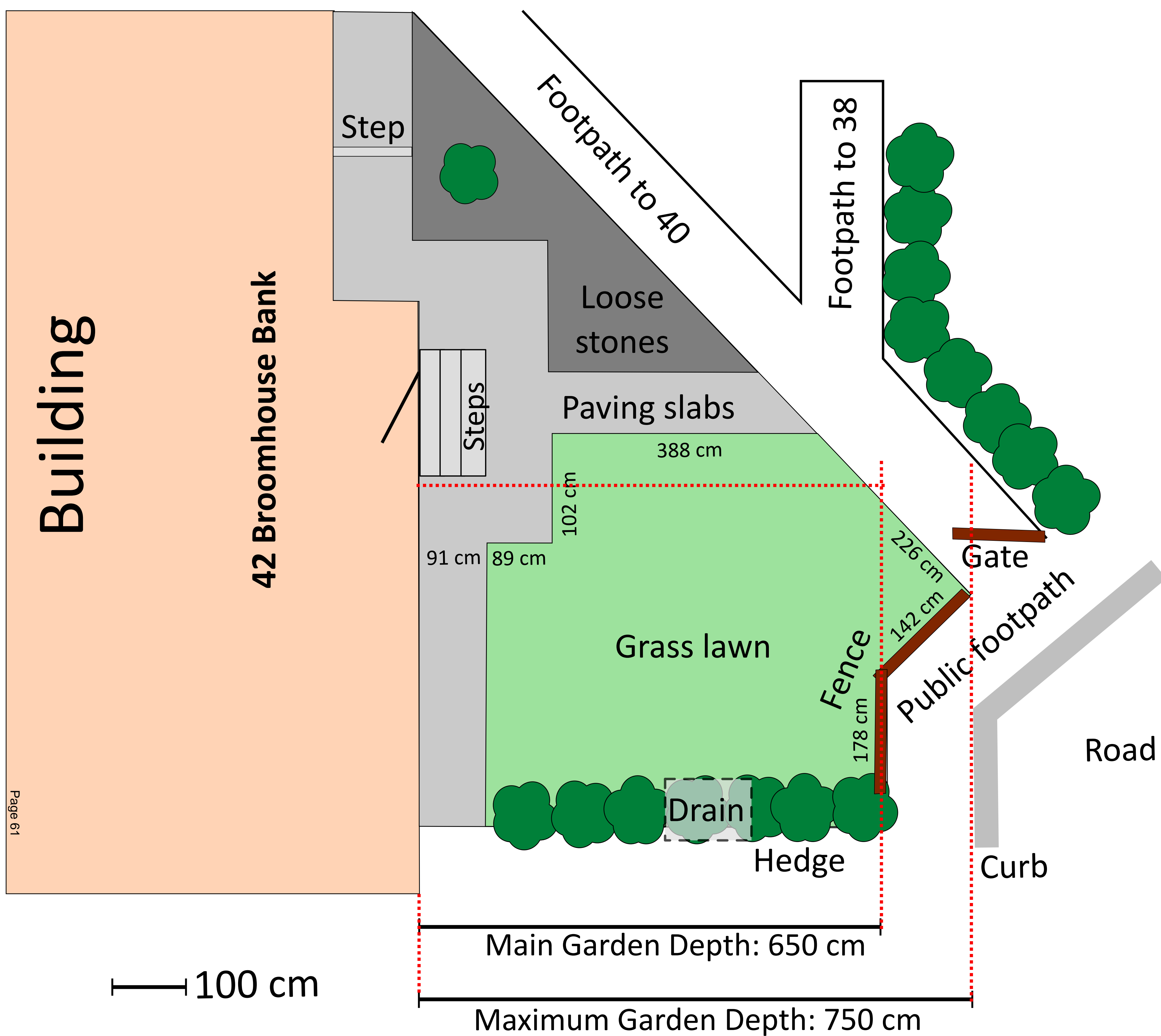
Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

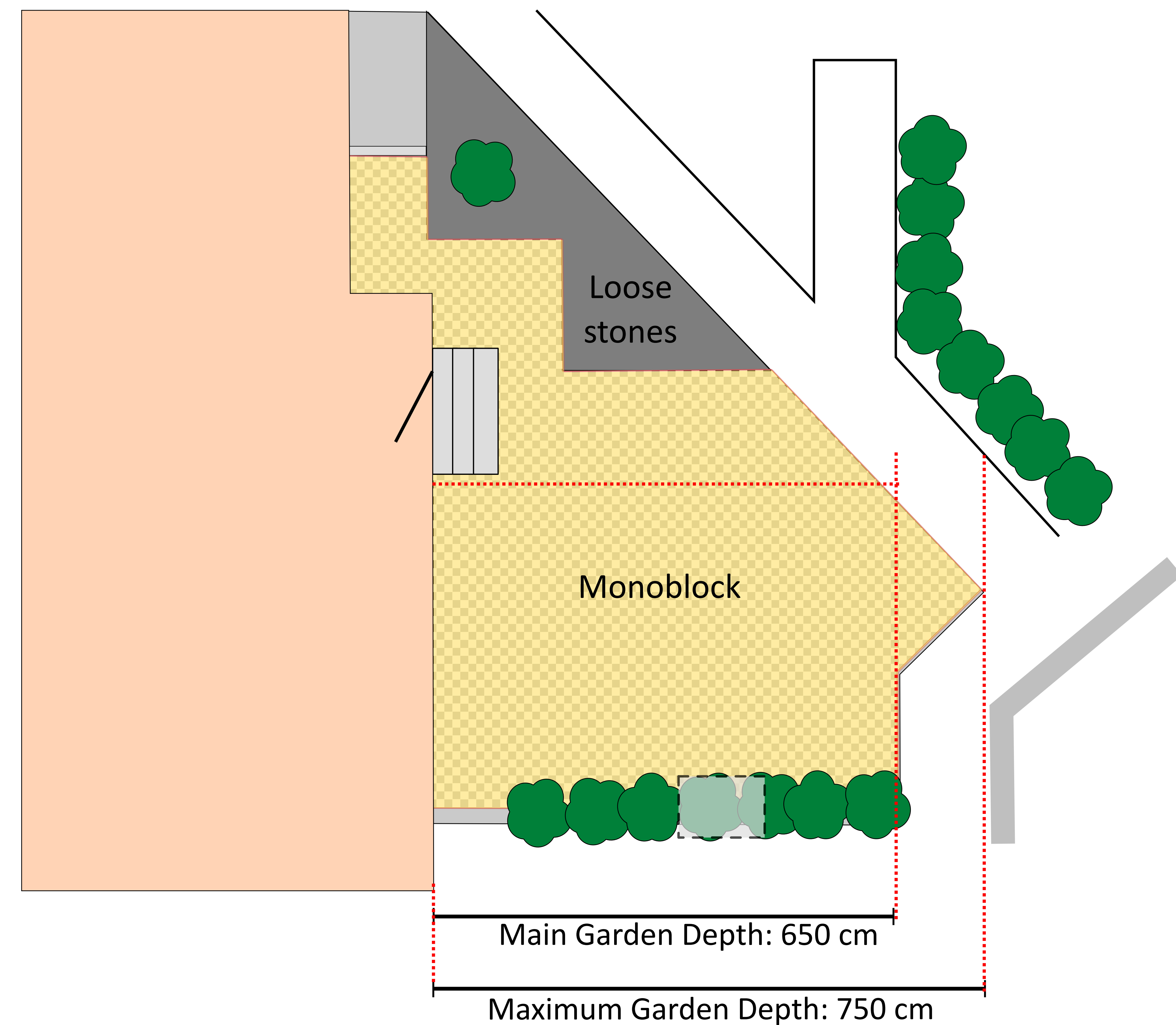
Declaration Name: Dr Peter Connolly

Declaration Date: 10/10/2021

Existing



Proposed



Grass lawn and paving slabs replaced with monoblock driveway
 Fence and gate removed for vehicle access
 Curb to be lowered (separate application)
 Loose stones and hedge remain as soakaway

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Gilberts.
FAO: George Gilbert
39 Grassmarket
Edinburgh
EH1 2HS

Mr Javid
14 - 15 Minto Street
Edinburgh
EH9 1RQ

Decision date: 21 September 2021

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Formation of new hotel bedrooms in the rear grounds of 14 Minto Street.
At 14 - 15 Minto Street Edinburgh EH9 1RQ

Application No: 21/03281/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 2 July 2021, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

Conditions:-

Reasons:-

1. The proposal will detract from the special architectural and historic interest of the listed building and harm its setting. It does not comply with section 59 of the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997, LDP policy Env 4 Listed Buildings (Alterations and Extensions), LDP Policy Env 3 (Listed Buildings - Setting). The proposal will not preserve the character of the conservation area and will not contribute positively to the character of the surrounding area. It is of not of an appropriate scale, form and design by way of its scale and height. The proposal does not comply with policies Des 1 and Des 4 and does not conform with the relevant parts of the Edinburgh Design Guidance.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01,02A,03A,04., represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The proposal will detract from the special architectural and historic interest of the listed building and harm its setting. It does not comply with section 59 of the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997, LDP policy Env 4 Listed Buildings (Alterations and Extensions), LDP Policy Env 3 (Listed Buildings - Setting). The proposal will not preserve the character of the conservation area and is of not of an appropriate scale, form and design. It does not comply with policies Des 1 and Des 4 and does not conform with the relevant parts of the Edinburgh Design Guidance. There are no amenity, archaeology, trees, sustainability or equalities and human rights issues. It has not been demonstrated that there would be no flood risk issues. There are no material considerations that outweigh this conclusion.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Jackie McInnes directly at jackie.mcinnnes@edinburgh.gov.uk.



Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at www.eplanning.scot or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email localreviewbody@edinburgh.gov.uk.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Report of Handling

Application for Planning Permission 21/03281/FUL At 14 - 15 Minto Street, Edinburgh, EH9 1RQ Formation of new hotel bedrooms in the rear grounds of 14 Minto Street.

Item	Local Delegated Decision
Application number	21/03281/FUL
Wards	B15 - Southside/Newington

Summary

The proposal will detract from the special architectural and historic interest of the listed building and harm its setting. It does not comply with section 59 of the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997, LDP policy Env 4 Listed Buildings (Alterations and Extensions), LDP Policy Env 3 (Listed Buildings - Setting). The proposal will not preserve the character of the conservation area and is of not of an appropriate scale, form and design. It does not comply with policies Des 1 and Des 4 and does not conform with the relevant parts of the Edinburgh Design Guidance. There are no amenity, archaeology, trees, sustainability or equalities and human rights issues. It has not been demonstrated that there would be no flood risk issues. There are no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LEMP10, LEN04, LEN03, LEN06, LDES01, LDES04, LDES06, LEN08, LEN09, LDES05, LEN12, LTRA02, LTRA03, LTRA04, LEN21, NSG, NSBUS, NSLBCA, NSGD02, OTH, CRPBLA, HES, HESBND, HESSET,

Report of handling

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application site is two stone villas on the east side of Minto Street at the junction with Blacket Avenue. Both villas sit behind low stone walls with railings on top. Together they form the Thrum Hotel. The villas have garden ground to the front and rear, with number 14 having a parking area in the rear garden. There are a few trees in the rear garden ground of the application properties.

Immediately to the north of number 14 Minto Street is a strip of trees and shrubs along Blacket Avenue.

Both numbers 14 and 15 are category B listed buildings (refs: LB29346 & LB29347; date of listing: 14/12/1970).

This application site is located within the Blacket Conservation Area.

2.2 Site History

8 June 2019 - Not Minded to make a Tree Preservation Order (NMTCO) to remove 2 large mature poplar trees and remove 1 conifer (application number 19/02900/TCO);

5 September 2019 - application withdrawn to construct a two storey extension to the rear of the property to incorporate additional guest accommodation. Demolish existing conservatory at the rear and current link building between 14-15 and replace with modern links. Proposal to change existing kitchen and reception areas of ground floor number 14 to additional accommodation (application number 19/03616/LBC);

5 September 2019 - application withdrawn to construct a two storey extension to the rear of the property to incorporate additional guest accommodation. Demolish existing conservatory and current link building and replace with modern links (application number 19/03614/FUL);

19 January 2021- listed building consent application withdrawn for alterations to and extension of existing hotel (application number 20/00971/LBC);

20 January 2021- planning permission application withdrawn for alterations to and extension of existing hotel (application number 20/00970/FUL);

23 April 2021 - listed building consent granted for formation of new hotel bedrooms in the rear grounds of 14 Minto Street (application number 20/04316/LBC);

23 April 2021 - planning permission granted for formation of new hotel bedrooms in the rear grounds of 14 Minto Street (application number 20/04317/FUL); and

16 September 2021 - listed building consent application refused for formation of new hotel bedrooms in the rear grounds of 14 Minto Street and abutting boundary wall (application number 21/03284/LBC).

Main report

3.1 Description Of The Proposal

The proposal is to erect a new stand alone building in the rear garden of number 14 to add fifteen additional bedrooms to the existing hotel. It will be positioned in the south east part of the garden. The proposal will be a three storey building with the ground floor sunk down. The top floor will contain dormer features on a pitched roof. The windows and doors will be on the front elevation and the stairs will be at the east end. Materials will be stone, timber and slate. A cycle store for eight cycles will adjoin the building.

The current access is unchanged and 5 parking spaces will be formed adjacent to the north boundary.

Scheme 2

Additional elevations drawing provided and names and scales on other drawings amended.

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.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

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, it needs to be considered whether:

- a) the principle of development is acceptable in this location;
- b) the proposal preserves the character of the listed building and its setting;
- c) the proposal preserves or enhances the character and appearance of the Blacket Conservation Area;
- d) the scale, form and design are acceptable;
- e) there is any impact on archaeology;
- f) there is any impact on the amenity of existing neighbouring properties;
- g) there is any impact on trees;
- h) there are any Roads Authority or transport issues;
- i) there are any drainage or flood risk issues;
- j) there are any equalities or human right issues; and
- k) the public comments have been addressed.

a) Principle

Policy Emp 10 of the Local Development Plan relates to hotel development and states that hotel development will be encouraged in locations with good transport links to the city centre.

The proposals are for an increase in accommodation to the existing hotel use at 14-15 Minto Street. The principle of a freestanding hotel outbuilding has been established under applications 20/04317/FUL and 20/04316/LBC. The consented development, which could be implemented, has also established the principle of an increase in the number of rooms at the hotel.

The hotel use is already established and is in a street with other established hotels and guesthouses. The application site is located on a high frequency bus route and can easily access the city centre and other parts of the city by public transport, cycling and walking.

Economic Development has advised that it is estimated that the proposed development would support approximately 3 FTE jobs and £0.12 million of GVA per annum (2018 prices).

The principle of ancillary accommodation in the form of 15 additional bedrooms is acceptable subject to compliance with other policies in the Local Development Plan.

The principle of the proposal is acceptable and complies with policy Emp 10.

The proposal does not comply with other relevant LDP policies.

b) Listed Building and its setting

Section 59 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 states:

"In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Historic Environment Scotland's guidance note Managing Change in the Historic Environment: Boundaries sets out the principles that apply to altering the boundary treatments of historic buildings. It states that walls, fences and other boundary treatments form important elements in defining the character of historic buildings, conservation areas and designed landscapes. It also states that walls and fences can be valuable in their own right as major elements in the design of a historic building and its setting, or in a broader streetscape or landscape and that alterations or repairs to a historic boundary should protect its character.

Historic Environment Scotland's guidance note Managing Change in the Historic Environment: Setting sets out the principles that apply to developments affecting the setting of historic assets or places including listed buildings and conservation areas. It states that factors to be considered in assessing the impact of a change on the setting of a historic asset or place include the presence, extent, character and scale of the existing built environment within the surroundings of the historic asset or place and how the proposed development compares to this and the ability of the setting to absorb new development without eroding its key characteristics and the effect of the proposed change on qualities of the existing setting.

LDP Policy Env 4 (Listed buildings - Alterations and Extensions) seeks to ensure that proposals to alter or extend a listed building are justified; that there will be no unnecessary damage to historic structures or diminution of its interest; and that additions are in keeping with other parts of the building.

LDP Policy Env 3 (Listed Buildings - Setting) states that development within the curtilage of a listed building will be permitted only if not detrimental to the architectural character, appearance or historic interest of the building, or to its setting.

Historic Environment Scotland (HES) has advised that it would encourage the retention of the original listed dividing and boundary walls.

The proposal will not entail any alterations to the listed villa. However, the proposed building will incorporate the existing rear boundary wall between numbers 14 and 15 Minto Street into its design. The proposal will retain the boundary wall, although it will be subsumed into the proposed building, and the separation of the gardens at numbers 14 and 15 will remain. The stone boundary wall also currently consists of sections of concrete scored to look like stone blocks and some patching with bricks. Therefore, it has lost some of its original and historical appearance. In this context, the inclusion of the boundary wall in the design of the proposal is acceptable. The proposed development will use the existing vehicular access from Blacket Avenue and no additional openings in the boundary wall are proposed.

The principle of a freestanding hotel outbuilding has been established under applications 20/04317/FUL and 20/04316/LBC. It is now proposed to increase the height of this from two levels of accommodation to three levels of accommodation. This would increase the height of the proposed building, by approximately 1.4 metres, compared to the consented scheme.

The application site is numbers 14 and 15 Minto Street and the proposal will sit in the garden ground of number 14. The proposed building will be read in the context of number 14 and within its garden ground. The garden ground of number 15 will not be affected by the proposed development. The proposed positioning of the building in the rear garden is not part of the original pattern of development along Minto Street but it is acknowledged that there has been significant change nearby with the redevelopment of the Minto Hotel and this proposal is similar in scale and form to that development.

Number 14 has a large rear garden which is important to the setting of the listed building. The original setting has been compromised by the parking area, which takes up nearly half of the garden area, and it was accepted that a two storey building would not detract from the villa's special historical and architectural interest and appearance. However, the proposed three storey building, even with being sunken into the ground, will dominate the rear garden and, thus, detract from the appreciation of the listed building. Views from the listed building will be blocked by this large structure and it will dominate views towards the listed building from the east. It would be harmful to the setting of the listed building.

The proposal will detract from the special architectural and historic interest of the listed building and harm its setting. It does not conform with section 59 of the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997. The proposal does not comply with policies Env 4 Listed Buildings (Alterations and Extensions) and LDP Policy Env 3 (Listed Buildings - Setting).

c) Conservation Area

LDP Policy Env 6 (Conservation Areas - Development) states that development within a conservation area will be permitted which preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal and demonstrates high standards of design and utilises materials appropriate to the historic environment.

The Blacket Conservation Area Character Appraisal states that the essential characteristics are:

- The predominant development form comprises Georgian and Victorian properties occupying large plots.
- The gardens, abundant mature planting within private gardens and in communal areas which make a significant contribution to the character of the area.
- The West Blacket area demonstrates a diverse mix of building types given coherence by the limited range of traditional materials.

- Rich variety of architectural styles evident throughout the Conservation Area, which are given homogeneity through the feu charter which controlled heights (two storey and half storeys), building lines and massing. Properties are characterised by the predominant use of stone construction, slated roofs and timber sash and case windows.
- Predominance of residential uses, with hotels and guest houses on arterial routes.

From the front streetscene in Minto Street, the villas at numbers 14 and 15 will still appear as traditional villas. The proposed rear extension will be seen from some views from Blacket Avenue, although it will be partially hidden due to the strip of trees and shrubs to the north of the application site.

The area of the site where the new building is proposed is relatively concealed from public views, being hidden behind an existing high stone boundary wall and mature shrubs and trees, although there will be glimpses of it from the public street and it will be seen from private views.

The Blacket Conservation Area does not have the same pattern of mews buildings such as in the New Town. The pattern of rear garden ground to the north of the application site has little development in the rear garden areas. To the south, the application site sits in a row of three villas which still have their ground as garden, albeit number 14 includes an area of car parking. To the south, there are examples of development in the rear garden ground and in particular for those on corner plots, where some of the development faces onto the side roads. The proposal will face onto the side street, Blacket Avenue, and thus offering a similar spatial pattern to that found in side streets near junctions with the main thoroughfare.

The approved development (20/04317/FUL and 20/04316/LBC) is not a common feature of the area but was deemed to be acceptable as an ancillary building. The increase in height of this structure would make it more prominent in terms of both the character and appearance of the conservation area. It will appear as an alien and incongruous form of development in the conservation area. Whilst the proposed three storey building will be lower than the mews development at the back of the former Minto Hotel, this replaced rear extensions in rear garden ground previously developed. The rear garden ground of number 14 is undeveloped and as such, the proposal will introduce an overbearing feature due to its height.

The proposal will be an hotel use on the application site and, therefore, will continue to contribute to the character of hotels and guest houses on arterial routes in this part of the conservation area.

The proposal will not preserve the character and appearance of the conservation area and does not conform to the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997. The proposal complies with policy Env 6 (Conservation Areas - Development).

d) Design

Edinburgh Local Development Plan policy Des 1 (Design Quality and Context) states planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Planning permission will not be granted for poor quality or inappropriate design that would be damaging to the character of the area.

Policy Des 4 (Development Design) states development should have a positive impact on its surroundings, having regard to height and form; scale and proportions, including the spaces between buildings; position of buildings and other features on the site; and materials and detailing.

Policy Des 6 (Sustainable Buildings) states that planning permission will be granted for new development where it can be demonstrated that a) the carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low zero and carbon generating technologies; and b) other features are incorporated that will reduce or minimise environmental resource use and impact, for example...v. measures to support and encourage the use of sustainable transport, particularly cycling, including cycle parking and other supporting facilities such as showers.

The Edinburgh Design Guidance sets out key aims for new development to have a positive impact on the immediate surroundings, through its height and form; scale and proportions; positioning of the buildings on site and materials and detailing.

The proposal is not of a subservient scale to the existing villas at numbers 14 and 15 and the surrounding villas. Although it will be positioned subtly in the bottom corner of the garden and sunken, it will be a large and dominant building which will not sit comfortably within the rear garden ground. It will detract from the existing villa and neighbourhood. As such, it will not contribute positively to a sense of place nor to the character of the area.

The design as a high mews style building will dominate the garden ground and the setting of the villa. Sufficient space will remain between the proposed building and the villa at number 14 but the height of the proposed building will make the sense of space feel constrained. Whilst the building will be positioned on a developed part of the garden, i.e. car park, again, its dominant height will adversely affect the character of the rear garden.

Mansard roofs are not a traditional feature of the area and dormers are common. The use of a mansard roof design for the consented scheme allows two floors of accommodation to be created and make maximum use of the site. However, the increased height will make the uncharacteristic roof style prominent and top heavy on a three storey building.

Materials proposed are acceptable.

No landscaping or trees are proposed along the rear boundary. A condition requiring a landscape plan is recommended should planning permission be granted.

The proposed building will be required to comply with Building Regulations and energy efficiency requirements using low and zero carbon technologies. The proposal will be

near a public transport route and a road incorporating cycle lanes. Cycle parking and showers will be provided. Therefore, the proposed development complies with Des 6.

The proposal is of not of an appropriate scale, form and design. It does not comply with policies Des 1 and Des 4 and does not conform with the relevant parts of the Edinburgh Design Guidance. The proposal complies with Des 6.

e) Archaeology

LDP Policy 8 (Protection of Important Remains) states that development will not be permitted which would damage or destroy non-designated archaeological remains which the council considers should be preserved in situ.

LDP Policy Env 9 (Development of Sites of Archaeological Significance) states that planning permission of known or suspected archaeological significance if it can be concluded from information derived from a desk-based assessment and if required a field evaluation.

The City Archaeologist has identified the site as occurring within an area of archaeological potential. The proposals will require ground works associated with the construction which, given the evidence from a nearby site, may uncover unrecorded domestic wells. Accordingly, it is recommended that a programme of archaeological work is undertaken during development to fully excavate, record and analyse any significant buried remains affected and preserve in situ any such wells that may be uncovered.

The proposal, with the use of an appropriate condition, will comply with policies Env 8 and 9.

f) Neighbouring Amenity

Local Development Plan (LDP) Policy Des 5 (Development Design - Amenity) states that development will be permitted where the amenity of neighbouring development is not adversely affected.

The Edinburgh Design Guidance advises that it is important that buildings are spaced far enough apart that reasonable levels of privacy, outlook, daylight and sunlight can be achieved. It also advises that care should be taken that buildings do not become so far apart that the townscape becomes uninteresting and, therefore, achieving reasonable amenity needs to be balanced against achieving good townscape.

The windows will face onto the boundary wall and beyond that onto the mature trees and shrubs and Blacket Avenue. There will be no overlooking or privacy issues.

Private views are not protected by planning policies and the Edinburgh Design Guidance advises that the immediate outlook of the foreground of what can be seen from within a building may be protected. In this case, the immediate outlook will not be compromised as the proposed building will be approximately 25 metres from neighbouring windows opposite to the rear. As such, outlook will not be unreasonably impacted by the proposed development.

Nearly all the overshadowing will fall within the application site, which is the rear garden ground of numbers 14 and 15 which form the hotel, and the public street. A negligible amount will fall onto the neighbouring garden to the rear of number 14 and this is acceptable. There will be a small impact on sunlight which will not be an unreasonable loss and this is also acceptable.

The proposal will not result in a loss of privacy or introduce unacceptable overshadowing to neighbouring properties.

The issue of noise from people going between the hotel and new annexe and the use and positioning of the cycle parking storage were raised in the public comments. Some noise will be experienced from the use of the existing car park and people walking from vehicles to the hotel. It is not expected that increased noise will be experienced due to people walking between the hotel villa and the annexe building or by introducing cycle parking.

The proposal will not result in an unreasonable loss of neighbouring amenity and complies with Des 5.

g) Trees

LDP Policy Env 12 (Trees) states that development should not damage trees protected by a Tree Preservation Order or any other tree worthy of retention.

The application property has already secured permission to cut down trees on the site. The proposals will not harm any trees within the site nor in adjacent sites. The group of trees along Blacket Avenue, which are outwith the boundary of the application site, will remain. The setting of the site within a leafy street and surrounding area will be unaffected by the proposed development.

There is no harm to trees and the proposal complies with Policy Env 12.

h) Roads Authority

LDP Policies Tra 2 - Tra 4 set out the requirements for private car and cycle parking. The Council's Parking standards are set out in the Edinburgh Design Guidance.

The Roads Authority has requested that the application be continued and that information is provided on the location of the coach bays and demonstrate by design the location of 3 secure cycle parking spaces required for the proposed development. It has advised that should permission be minded to be granted that conditions or informatives be attached to the permisison relating to a travel plan, inward opening gates, porous hardstanding and electric vehicle charging points.

As the proposal does not comply with other relevant policies, the additional information requested by the Roads Authority has not been requested. The Supporting Statement states that coaches would be parked remotely in established coach holding areas and

no further details are included in the Statement. No coach bays are marked on the drawings.

The proposed reduction of on site vehicle parking complies with the parking standards and secure cycle storage will be provided. Eight cycle parking spaces are proposed for fifteen rooms which is fewer than one space per room. However, there is scope to provide more cycle parking and a condition would be recommended if permission was to be granted.

The proposals comply with Tra 2 and Tra 4 and the minor infringement of Tra 3 in terms of cycle parking is acceptable.

i) Drainage

Policy Env 21 relates to flood protection. It states that planning permission will not be granted for development that would: a) increase a flood risk or be at flooding itself; b) impeded the flow of flood water or deprive a river system of flood water storage within the areas shown on the Proposals Map as areas of importance for flood management; c) be prejudicial to existing or planned flood defence systems.

Information has not been submitted to demonstrate that there will not be an additional risk of flooding or that the application site will be at risk of flooding itself. It is acknowledged that drainage information was submitted for the consented scheme and that the proposed building will only be slightly repositioned within the site compared to the consented scheme. However, drainage and flooding information is required to confirm that there would be no flood risk to neighbouring properties and that the proposed building would not be flooded.

It cannot be demonstrated that the proposal will comply with Policy Env 21.

j) Equalities and human rights

The importance of being able to use a neighbouring garden for wellbeing and mental health reasons in relation to an illness has been raised in the public comments. The proposed building complies with the LDP policies in terms of impact on privacy, daylight and sunlight. The LDP has undergone an assessment on the impact of its policies in terms of equalities and human rights impact. The neighbouring gardens are of a fair size and the proposed building will be set back from the rear boundary wall and will not obstruct or hinder the use of the neighbouring rear gardens.

In this context, it is concluded that there are no equalities or human rights impacts arising from the proposed development.

k) Public Comments

Material comments - objections

- Hotel use; increased capacity. Addressed in 3.3a).
- Impact on listed building and setting; garden. addressed in 3.3b)
- Impact on conservation area; contrary to policies; garden. Addressed in 3.3c).
- Scale and design; height and bulk; density. Addressed in 3.3d).

- Amenity - privacy; noise; outlook; daylight. Addressed in 3.3f).
- Trees; landscaping. Addressed in 3.3d) and 3.3g).
- Parking and road safety; access. Addressed in 3.3h).
- Equalities and human rights. Addressed in 3.3j).
- sustainable/green buildings. Addressed in 3.3d).

Material Comments - Support

- Design - subservient.
- excellent neighbour for the community, providing local and personal accommodation for visitors etc.
- increase accommodation.

Non-Material Comments

- Parking on surrounding streets - responsibility of Roads Authority.
- Future use or future development, e.g. residential - the planning authority can only assess the application presented in front of it.
- Shortage of residential property - the hotel use is an existing use. Not a material planning consideration for this application.
- Precedent - each application is assessed on its own merits and precedent is not a material planning consideration.
- Community/neighbour consultation prior to planning application submission - consultation not required for this type of planning application/development by the planning legislation; applicant not required by legislation to advise neighbours of forthcoming planning application
- Anti-social behaviour - is the responsibility of other legislation. This is not a material planning consideration.
- Inappropriate commercial venture - the hotel use is an existing use and the proposal is not a new commercial use. This is not a material planning consideration for this case.
- Evidence of increased cyclist trade - Not required. Not a material planning consideration.
- Licencing restrictions - not a material planning consideration.
- Green tourism - it is up to the hotel operator/applicant to decide what tourist market it wishes to service. This is not a material planning consideration.

CONCLUSION

The proposal will detract from the special architectural and historic interest of the listed building and harm its setting. It does not comply with section 59 of the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997, LDP policy Env 4 Listed Buildings (Alterations and Extensions), LDP Policy Env 3 (Listed Buildings - Setting). The proposal will not preserve the character of the conservation area and is of not of an appropriate scale, form and design. It does not comply with policies Des 1 and Des 4 and does not conform with the relevant parts of the Edinburgh Design Guidance. There are no amenity, archaeology, trees, sustainability or equalities and human rights issues. It has not been demonstrated that there would be no flood risk issues. There are no material considerations that outweigh this conclusion.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal will detract from the special architectural and historic interest of the listed building and harm its setting. It does not comply with section 59 of the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997, LDP policy Env 4 Listed Buildings (Alterations and Extensions), LDP Policy Env 3 (Listed Buildings - Setting). The proposal will not preserve the character of the conservation area and will not contribute positively to the character of the surrounding area. It is of not of an appropriate scale, form and design by way of its scale and height. The proposal does not comply with policies Des 1 and Des 4 and does not conform with the relevant parts of the Edinburgh Design Guidance.

Risk, Policy, compliance and governance impact

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

Equalities impact

5.1 The equalities impact has been assessed as follows:

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

Consultation and engagement

6.1 Pre-Application Process

Pre-application discussions took place on this application.

6.2 Publicity summary of representations and Community Council comments

The application was advertised on 9 July 2021 and 18 public comments were received, including from the Blacket Association and Grange/Prestonfield Community Council. Of these, 17 were objection comments and one was a support comment.

Background reading / external references

- To view details of the application go to
- [Planning and Building Standards online services](#)

Statutory Development**Plan Provision**

The application property is in Blacket Conservation Area and the urban area in Edinburgh Local Development Plan.

Date registered

2 July 2021

Drawing numbers/Scheme

01,02A,03A,04.,

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Jackie McInnes, Planning officer
E-mail:jackie.mcinnnes@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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 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 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 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.

LDP Policy Env 8 (Protection of Important Remains) establishes a presumption against development that would adversely affect the site or setting of a Scheduled Ancient Monument or archaeological remains of national importance.

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.

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

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

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

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

Relevant Non-Statutory Guidelines

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

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.

Other Relevant policy guidance

The Blacket Conservation Area Character Appraisal emphasises the mix of substantial villas and terraces, the unified architectural form and materials, the sense of spaciousness derived from the generously proportioned gardens and large mature trees, and the predominance of residential uses.

Relevant Government Guidance on Historic Environment.

Managing Change in the Historic Environment: Boundaries sets out Government guidance on the principles that apply to altering boundary treatments of listed buildings.

Managing Change in the Historic Environment: Setting sets out Government guidance on the principles that apply to developments affecting the setting of historic assets or places.

Appendix 1

Consultations

Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning these linked FUL & LBC applications for the formation of new hotel bedrooms in the rear grounds of 14 Minto Street.

The works occur within the rear gardens of two early/mid-19th century Villas. Construction work carried out in 2017 to the rear of the adjacent Minto Hotel (No16-18) uncovered two unrecorded domestic stone line wells.

Accordingly, this site has been identified as occurring within an area of archaeological potential. This application must be considered therefore under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and CEC's Edinburgh Local Development Plan (2016) Policy 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.

The proposals will require significant ground works associated with the construction, which given the evidence from the adjacent site may uncover unrecorded domestic wells. Accordingly, it is recommended that a programme of archaeological work is undertaken during development to fully excavate, record and analysis any significant buried remains affected and if encountered preserve insitu any such wells that may be uncovered. It is recommended that the following condition be attached to permission/consent, if granted, to ensure that this programme of archaeological works is undertaken.

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting) 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.

Please contact me if you require any further information.

Historic Environment Scotland

Thank you for your consultation which we received on 05 July 2021. The proposals affect the following:

Ref LB29346 LB29347

Name 14 MINTO STREET, INCLUDING BOUNDARY WALLS 15 MINTO STREET, INCLUDING BOUNDARY WALLS

Designation Type Listed Building Listed Building

Our Advice

Whilst we would not have a locus on assessing the enlarged block in relation to the setting of the B-listed buildings, we would encourage the retention of the original listed dividing and boundary walls.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on listed building/conservation area consent, together with related policy guidance.

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.english-heritage.org.

Economic Development

It is estimated that the proposed development would support approximately 3 FTE jobs and £0.12 million of GVA per annum (2018 prices), compared to negligible economic activity supported by the site in question currently.

Comments:

The following are comments from the City of Edinburgh Council's Commercial Development & Investment service relating to planning application 21/03281/FUL for the development of hotel accommodation at 14-15 Minto Street, Edinburgh.

Commentary on existing uses

The application relates to a 1,843 sqm site to the rear of 14 and 15 Minto Street, a pair of adjacent early 19th century houses currently in use as guesthouses. The site is currently used as gardens and parking spaces; it therefore does not currently support any significant level of economic activity.

Commentary on proposed uses

Class 7 - Hotels and hostels

The development as proposed would deliver 15 additional bedrooms for the existing guesthouse(s). The economic impact of the bedrooms can be estimated. The Employment Densities Guide (3rd edition) quotes a mean employment density for limited service / budget hotels of one FTE employee per 5 bedrooms. This gives an estimated direct employment impact for the hotel of 3 FTE jobs ($15 \div 5$). Per data from the Scottish Annual Business Statistics, the GVA per employee per annum for the accommodation sector in Edinburgh was £41,488 as of 2018. This gives a projected direct GVA impact for the hotel of £0.12 million of GVA per annum (2018 prices) ($3 \times £41,488$).

These figures do not include the economic impact of expenditure by visitors to Edinburgh staying in the hotel on items other than accommodation (for example, transport, recreation, and shopping) due to a lack of the raw data required to model this impact robustly.

SUMMARY RESPONSE TO CONSULTATION

It is estimated that the proposed development would support approximately 3 FTE jobs and £0.12 million of GVA per annum (2018 prices), compared to negligible economic activity supported by the site in question currently.

This response is made on behalf of Commercial Development & Investment

Roads Authority

Summary Response

The application should be continued;

Reason:

- a) The applicant is required to provide information about location of Coach bays for the hotel;*
- b) Demonstrate by design the location of 3 secure cycle parking spaces required for the proposed development*

Should you be minded to grant the application the following should be included as conditions or informatives as appropriate:

- 1. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of 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*
- 2. Any off-street parking should comply with the following:*
 - a. Any gate or doors must open inwards onto the property;*
 - b. Any hard-standing outside should be porous;*
- 3. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future;*

Full Response

Note:

I. The application has been assessed under the current parking standards (updated January 2020) these permit the following:

a. A maximum of 5 car parking spaces (1 space per 5 bedrooms). 5 car parking spaces are proposed;

b. A minimum of 3 cycle parking spaces (1 space per 10 bedrooms).

c. Due to the level of car parking proposed, there is no requirement for accessible or EV car parking spaces;

II. The proposals seek to reduce the car parking from 12 to 5 spaces which brings it in line with CEC's parking standards. This is considered acceptable for the combined hotel of 34 rooms.

END

Comments for Planning Application 21/03281/FUL

Application Summary

Application Number: 21/03281/FUL

Address: 14 - 15 Minto Street Edinburgh EH9 1RQ

Proposal: Formation of new hotel bedrooms in the rear grounds of 14 Minto Street.

Case Officer: Jackie McInnes

Customer Details

Name: Mr Robin Blair

Address: 2 Blacket Place Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The reason given for increasing the size of the development is to allow coach parties to be accommodated. I do not believe that coaches should be encouraged at this location. There is no right turn into Blacket Avenue for northbound traffic. Because of the southbound Minto Street cycle lane with its bollards, a coach travelling in a southbound direction would only be able to stop at the front entrance to the hotel on Minto Street to collect or deposit passengers and their luggage by blocking the single southbound carriageway.

Access for a coach at the rear of the property would be even more difficult. The entrance to the rear of the hotel is immediately opposite the entrance to Grange Corner House Nursery. Cars stop on Blacket Avenue to drop small children off and collect them in the morning, at lunchtime and in the afternoon. There is not enough room in the nursery car park so parents and grandparents have to park on the road while escorting children in and out of the nursery. Delivery lorries also stop on Blacket Avenue to deliver supplies to the nursery. It is a very dangerous location as the carriageway is only 12 feet wide and there is two way traffic. In my view it would be quite impracticable for a coach to drop passengers off at the rear of the hotel.

Comments for Planning Application 21/03281/FUL

Application Summary

Application Number: 21/03281/FUL

Address: 14 - 15 Minto Street Edinburgh EH9 1RQ

Proposal: Formation of new hotel bedrooms in the rear grounds of 14 Minto Street.

Case Officer: Jackie McInnes

Customer Details

Name: Mr David Forsythe

Address: Flat 1 16A Minto Street Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The increased height will overlook and overshadow the back gardens of 16A minto street and minto mews. The additional traffic and noise on an already congested road will not be manageable and will add undue risk to the pedestrians and those attending the nursery next door. The proposal is not in keeping with the local area and the lack of parking for the additional rooms will put additional strain on the local area.

Comments for Planning Application 21/03281/FUL

Application Summary

Application Number: 21/03281/FUL

Address: 14 - 15 Minto Street Edinburgh EH9 1RQ

Proposal: Formation of new hotel bedrooms in the rear grounds of 14 Minto Street.

Case Officer: Jackie McInnes

Customer Details

Name: Mr hugh mackay

Address: 2 blacket place edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

- Councillor's Reference

Comment: The Blacket Conservation Area is an important asset to this city. The most significant approach is east along Blacket Avenue. The lime trees, planted over two centuries ago are much loved. This proposal puts a high modern building immediately behind them, possibly destroying roots, cutting out sun from the Blacket Shrubbery and presenting a crude vision. The planners and councilors really should look at the proposals and see what they will do to Blacket Avenue!

Comments for Planning Application 21/03281/FUL

Application Summary

Application Number: 21/03281/FUL

Address: 14 - 15 Minto Street Edinburgh EH9 1RQ

Proposal: Formation of new hotel bedrooms in the rear grounds of 14 Minto Street.

Case Officer: Jackie McInnes

Customer Details

Name: Mr donald winford

Address: 48/1 Blacket place edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to add my support to other local objections to this proposed development. This area is a CONSERVATION area whose character would be further eroded by this proposal. We already have one monstrosity owing to the development of the former Minto hotel!

Comments for Planning Application 21/03281/FUL

Application Summary

Application Number: 21/03281/FUL

Address: 14 - 15 Minto Street Edinburgh EH9 1RQ

Proposal: Formation of new hotel bedrooms in the rear grounds of 14 Minto Street.

Case Officer: Jackie McInnes

Customer Details

Name: Mrs Christine De Luca

Address: 16 Minto Street EDINBURGH

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This most recent application for planning permission goes well beyond the previous two (which I did not object to) particularly in terms of negative impact on a conservation area. Such high-density bedroom accommodation would allow for a range of alternative client groups to be targeted, some of which, in relatively large numbers, could be potentially problematic for the neighbourhood. Parking is also an ever-growing problem in the area.

Comments for Planning Application 21/03281/FUL

Application Summary

Application Number: 21/03281/FUL

Address: 14 - 15 Minto Street Edinburgh EH9 1RQ

Proposal: Formation of new hotel bedrooms in the rear grounds of 14 Minto Street.

Case Officer: Jackie McInnes

Customer Details

Name: Mr Tony Harris (Grange/Prestonfield Community Council)

Address: 21 Mentone Terrace Edinburgh

Comment Details

Commenter Type: Community Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. 21/02381/FUL & 21/02384/LBC are for 15 hotel bedrooms in a separate new building in an existing guest car park at the rear 14 Minto Street, both 14 and 15 Minto Street being linked and operated together as The Thrums Hotel, in the Blacket Conservation Area. These applications are in effect variations of consents 20/04317/FUL & 20/04316/LBC for 10 new hotel bedrooms in a new building of similar footprint and location, the Decision Letters on these being dated 23rd April 2021. These consents follow previous applications for additional hotel accommodation withdrawn in September 2019 and January 2021.

2. What is now proposed would increase the present consented total of new hotel bedrooms by 50%, offering in all 34 double bedrooms, almost 80% more than present 19 lettable double bedrooms in the adjoining B Listed villas of 14 & 15 Minto Street, bringing the guest total to 68. This is to be achieved by adding a semi-basement floor to the new building with the guest bedrooms being on 3 floors instead of 2 in the current consents, resulting, it is stated, in an increase in roof height of approximately 1.5m. There are no detailed levels given of the proposed and existing buildings to support this statement. This greater height is stated to be justified because the Minto Mews buildings at the rear of 16-18 Minto Street to the south are slightly higher. However we consider that the proximity of the proposed Thrums Hotel new building to Blacket Avenue and adjacent dwellings and its consequently greater impact on the character of the Blacket Conservation Area render such comparisons invalid.

3. The proposed building in the rear of 14 Minto Street is now to be appreciably nearer the Listed Building than its consented location and this coupled with the increased height must raise again the question addressed in the Report of Handling on 20/04317/FUL as to whether this new scheme still "will respect the special architecture and historic interest of the listed building and its setting and will preserve the character and appearance of the conservation area". Also we

consider that its increased height could compromise the amenity of residents of nearby dwellings to the east. From Blacket Avenue the building now proposed, with its sunken basement floor and uncharacteristic appearance, would no longer be reflective of a mews style sitting "comfortably within the plot", as the above mentioned Report states.

4. The Applicant's Statement justifies the increase in accommodation to 15 new bedrooms by "An ever-increasing focus on 'green' holidays" and qualifying "the hotel to take coach party bookings from specialist cycle holiday operators". From Blacket Avenue coaches could not enter the proposed small hotel car park for offloading and loading, this being limited to 5 rather awkward car parking spaces. A coach parked outside would risk blocking Blacket Avenue and interfering with access to the children's day nursery opposite. Whatever might have been the practice pre-pandemic for coaches to off-load and load on Minto Street, this busy A701 main road now has cycle lanes on both sides, with traffic lane switching nearby. We think that a coach parked outside the hotel for loading and unloading could be highly hazardous to other road users, especially cyclists. Any mitigation measures which might reduce these risks could not, we suggest, be introduced and managed through planning conditions.

5. For the reasons stated above Grange/Prestonfield Community Council objects to the proposed changes set out in these applications, further to the April 2021 approvals, and considers that there could be conflicts with listed building and conservation area policies in the Local Development Plan.

Comments for Planning Application 21/03281/FUL

Application Summary

Application Number: 21/03281/FUL

Address: 14 - 15 Minto Street Edinburgh EH9 1RQ

Proposal: Formation of new hotel bedrooms in the rear grounds of 14 Minto Street.

Case Officer: Jackie McInnes

Customer Details

Name: Mr Donald Gill

Address: 2 Minto Mews Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object on the following grounds

Traffic and Parking/Road Safety

The Hotel currently has 19 letting bedrooms. This application, building on the previous approval, proposes 15 new letting bedrooms, almost doubling the capacity to 34. Meanwhile parking for guests, visitors and staff is more than halved to a mere 5 spaces. Undoubtedly this will increase pressure on the surrounding streets diminishing parking available to permanent residents.

The suggestion that coachloads of cyclists will be arriving at Thrums is purely speculative. It is understood that any such coaches will be parked offsite. However their passengers need to be delivered and collected. If coaches arrive, from where would they disembark and pick up guests? Minto Street is not available-double yellow lines, a dedicated cycle path and single carriageway preclude this without major disruption to passing traffic including the blue light ambulances which make frequent journeys along Minto Street to and from the Royal Infirmary. The alternative, parking outside the side entrance in Blacket Avenue is positively dangerous being on a bend of a narrow but busy road opposite the entrance to Strawberry Hill Nursery.

Noise and Disturbance

Increasing the guest count still further will doubtless result in increased noise and disturbance whether from guests, their visitors' cars/motorbikes. Not all two-wheeled transport is silent as anyone witnessing a collection of Harleys can testify. Also the increased guest count will require increased deliveries/collection of food/laundry to and from the Hotel. The noise and disturbance at all times of the day and night will be to the detriment of the mental health and wellbeing of nearby residents.

In summary this Application seeks to shift the focus away from practicalities to an imaginary

"green" future of cycling guests thus seeking to justify the reduction in available parking spaces to just 5, whilst at the same time adding significantly to noise and disturbance as well as the negative effect on the environment of increased carbon emissions. This application is both excessive and unsustainable in a City which already enjoys an abundant supply of Hotel beds

Comments for Planning Application 21/03281/FUL

Application Summary

Application Number: 21/03281/FUL

Address: 14 - 15 Minto Street Edinburgh EH9 1RQ

Proposal: Formation of new hotel bedrooms in the rear grounds of 14 Minto Street.

Case Officer: Jackie McInnes

Customer Details

Name: Mr Ben Hampton

Address: 3 Minto Mews Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The proposed building is 1.5m higher - this transforms the bulk and appearance of the building and damages the amenity of the conservation area.

The case for the previous application was that it was designed to look like a traditional mews building. This building looks very different - the sunken ground floor and the additional storey completely change this appearance and it now looks nothing like a traditional mews building and this damages the amenity of the conservation area.

The building has been enlarged so that the Thrums Hotel can target coach holidays. This is likely to create significant issues about access and how they will unload and load coach parties in a very confined area with difficult and dangerous road access, especially near children's nursery. It is not clear how they can do this. They could not drive through the Blacket Gateposts (either from Minto Street or Dalkeith Road) onto Blacket Place and into the site - nor could they park outside on Minto Street.

The comments about green tourism are not clear there appears to be very little in the application that justifies this.

Comments for Planning Application 21/03281/FUL

Application Summary

Application Number: 21/03281/FUL

Address: 14 - 15 Minto Street Edinburgh EH9 1RQ

Proposal: Formation of new hotel bedrooms in the rear grounds of 14 Minto Street.

Case Officer: Jackie McInnes

Customer Details

Name: Dr Michael Eddleston

Address: 38 Minto Street Edinburgh EH9 2BS

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: The new design is similar to that approved behind the old Minto hotel, has been submitted after discussions with local community groups, and is subservient to the surrounding buildings. The hotel is an excellent neighbour for the community, providing local and personal accommodation for visitors etc (quite different to the hotel chains that have grown up recently, replacing many B&Bs).

We fully support this application to expand to be able to increase accommodation during the busy summer months

Comments for Planning Application 21/03281/FUL

Application Summary

Application Number: 21/03281/FUL

Address: 14 - 15 Minto Street Edinburgh EH9 1RQ

Proposal: Formation of new hotel bedrooms in the rear grounds of 14 Minto Street.

Case Officer: Jackie McInnes

Customer Details

Name: Mr John Sibbald

Address: 50 Blacket Place Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:21/03281/FUL

We strongly oppose this application to revise the recently granted planning permission for a 2 storey mews style block in the rear garden of the Thrums Hotel. The changes to the height of the building for which further consent is now being sought, if granted, will only increase the impact on the neighbourhood of a proposal that is already at complete variance with the Council's Blacket Area Character Appraisal (BACA) for this designated Outstanding Conservation Area.

The applicants, as they state in their Background Papers, may well be "grateful to the Council who have shown their support for this small hotel business", but the neighbouring residential proprietors are far from grateful. Perhaps it's about time that the Council showed them some support. The suggestion in the Background Papers that this increase in the scale of the development will "preserve the historic significance of the architecture and gardens in the local[sic]." is a piece of sheer nonsense. Moreover the use of the Minto Hotel as a precedent now puts any back garden within the Blacket Conservation Area at risk.

We have absolutely no quarrel with the Hotel's wish to be at the front of the trend for green holidays but cannot reconcile this wish with a proposal that does such damage to Edinburgh's first Conservation Area.

We would want to see supporting evidence that an increase from 19 to 24 bedrooms will have the kind of acute impact on increased trade from specialist cycle groups that the application suggests. The only likely impact we can see is that it will further increase all the kinds of problems that local residents have already referred to in connection with the applicant's previous applications i.e. late night noise, use of Blacket Avenue, etc. While it may well be that it may help target coach

companies, even if coaches are to be parked off site, those travelling by coach will still have to be ferried to the hotel, with attendant problems of use of either Minto Street (new cycle lanes) and Blacket Avenue, let alone the inevitable noise from large groups of people arriving and departing.

It is understood that that the current granted design for a traditional mews style building played a significant part in the granting of the existing permission. The revised application is clearly for a building of an altogether different style.

While it comes as no surprise, that the applicants are now seeking to use as a precedent the highly controversial and completely inappropriate residential development to the rear of the former Minto Hotel (that also drove a coach and horses through not only the BACA but the Council's Villa and Conservation Policies,) it is perhaps time for the Council to consider the effect on neighbouring residential properties as well as commercial developers.

In the course of an article in the Edinburgh Evening News (4 March 2016), Councillor Cameron Rose encouraged the local residents to welcome the building of houses in the hotel's rear garden on the grounds that they would no longer have to experience the noise and disturbances regularly created there by the Minto Hotel. <https://www.edinburghnews.scotsman.com/news/minto-newington-be-converted-housing-624989> But now we are being asked to accept a proposal to house possibly up to 48 people (if these are double rooms) in a rear garden just two doors further up. What restraints are going to be put on these hotel guests as they come and go to and from their rooms through the garden, particularly late at night? Will they be forbidden from hanging about chatting/smoking/using phones, etc. outside. ? How would this be enforced?

It is perhaps worth reminding members of the planning committee that there was a special condition attached to the Minto Hotel licence that guests could not use the rear garden after 9pm to avoid disturbance to local residents. What now justifies the Thrums Hotel being allowed to create a potential for a return of the kind of disturbance that we really thought we had seen the back of?

We wish to ask each member of the planning committee to ask themselves honestly if this is a development which they would welcome in a garden immediately behind their own and, if not, on what possible grounds, they would wish to impose it on others.

Comments for Planning Application 21/03281/FUL

Application Summary

Application Number: 21/03281/FUL

Address: 14 - 15 Minto Street Edinburgh EH9 1RQ

Proposal: Formation of new hotel bedrooms in the rear grounds of 14 Minto Street.

Case Officer: Jackie McInnes

Customer Details

Name: Dr Matthias Schwannauer

Address: 37 Minto Street Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

- Councillor's Reference

Comment: we would like to object to the planning application for 14-15 Minto street on following grounds. As direct neighbours we are significantly affected by this proposed development.

The proposed building is 1.5m higher - this transforms the bulk and appearance of the building and damages the amenity of the conservation area.

The case for the previous application was that it was designed to look like a traditional mews building. This building looks very different - the sunken ground floor and the additional storey completely change this appearance and it now looks nothing like a traditional mews building and this damages the amenity of the conservation area.

The proposed building has been significantly enlarged so that the Thrums Hotel can target coach holidays. This is likely to create significant issues about access and how they will unload and load coach parties in a very confined area with difficult and dangerous road access. It is not clear how they can do this. They could not drive through the Blacket Gateposts (either from Minto Street or Dalkeith Road) onto Blacket Place and into the site - nor could they park outside on Minto Street.

However, we mainly fear that the increased traffic and footfall as a direct consequence of increased capacity of the hotel will increase the noise pollution and anti social behaviour already a problem in this area and contributed to by the hotel.

yours sincerely

Prof Matthias Schwannauer

Comments for Planning Application 21/03281/FUL

Application Summary

Application Number: 21/03281/FUL

Address: 14 - 15 Minto Street Edinburgh EH9 1RQ

Proposal: Formation of new hotel bedrooms in the rear grounds of 14 Minto Street.

Case Officer: Jackie McInnes

Customer Details

Name: Mr Barrie West

Address: 46b Blacket Place EDINBURGH

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

- Councillor's Reference

Comment:Objection to Planning Application 21/03281/FUL

Proposed three-storey rear extension in the grounds of 14 -15 Minto Street for additional hotel / 'motel' guest capacity

Raised by Barrie West & Jennifer Flueckiger, 46B Blacket Place, Edinburgh, EH9 1RJ

As home-owners and residents of 46B Blacket Place (the property which backs directly into the proposed development site), we wish to object strongly to the application for Planning Permission for the proposed development at 14-15 Minto Street as it will not only severely and negatively impact our home and space, but also the immediate neighbourhood and the complete conservation area.

Our space

Our garden has been our saviour during lockdown, please don't ruin it

We have a young son and one of us has a severe chronic illness. Our garden has saved our mental and physical health during the pandemic. We have put significant financial and emotional investment into the way it works and looks. We can't overstate the importance of our garden to our well-being.

The development on the site which already has approval will already impact our space hugely and negatively in terms of privacy, daylight and look and feel of our outdoor space. The 1.5m increase in height of this new proposal may not sound big to some, but the difference will be huge and the

impact to the bulk and feel of the proposed building - a built monolith right at our wall - will be devastating.

Guests at the hotel already adversely impact the use of our garden - shouting, fights, noise - please no more.

The thought of such a development and stress caused by this potential development is having a serious impact on our well-being.

Impact on the immediate neighbourhood

An increased traffic load on Blacket Avenue is unacceptably dangerous - it is not a place for coaches

Blacket Avenue - the narrow road between Minto Street and Blacket Place - with its slight curve and gardens on either side, contributes to the lovely Blacket Conservation Area. However, it is currently dangerous.

It is the main entrance/exit of the residential area with a high concentration of people with young children and has residents with mobility issues. It is also the pedestrian and a vehicle entrance of a Nursery, the vehicle entrance to the Thrums hotel, a busy connecting road between Dalkeith Road and Minto Street, the pedestrian and vehicle entrance to a residential care home as well as an Edinburgh University housing block for Students with families.

Directly across from the vehicle entrance of the Thrums Hotel there is a blind exit/entry from nursery for cars and pedestrians. Unable to access the Nursery carpark, parents park on the pavement on either side of the Thrums driveway. This blocks all pedestrians, kids on bikes, parents with prams and forces them onto road. Delivery lorries for the nursery and care home can make the road almost impassable.

The entrance to Blacket Avenue from Minto Street is very narrow. It is very difficult for two cars to pass between the gates. Some cars often must wait in the middle of Minto Street until cars on Blacket Avenue leave the street. Buses, cyclists making their way fast down the hill on Minto Street need to stop causing further disruption.

An increase in use will exacerbate the situation. Even a few more cars at busy times will significantly increase the congestion and danger. The addition of coaches parked outside the Thrums to allow loading and unloading will completely clog the area and make it even more dangerous.

Increased noise and disturbance

This is a residential area. We already deal with noise and disturbance from the hotel. Adding additional bedrooms will only make this worse.

Pressure on parking

With the proposed reduction in parking spaces cars will need to park in the limited metered space available in nearby streets.

Impact on a conservation area

Please save the last remaining garden

We don't know what we've got till it's gone

We paved paradise and put up a ... motel

A view from the top of 46 Blacket Place clearly shows the impact of two earlier large developments in the gardens of Minto Street properties. The proposed plan represents the development of the last remaining garden space with street access in this block. This new plan will have a huge impact on the look and feel of the whole area. Development has been allowed in the past but please stop these changes or we will lose the unique nature of this lovely bit of Edinburgh.

Inappropriate commercial venture in a residential area

The past development has been residential and built on existing building footprints. This development is commercial and built in a garden/open space and to a scale that is not appropriate to the area.

The look is not in keeping with the character of the conservation area

The application represents a complete change in appearance from a 'traditional mews' suggested in the original application. The proposed development is 1.5m higher than the prior application which transforms the bulk and appearance of the building and will have a hugely adverse and insensitive impact on the view from Blacket Avenue and local amenity. The proposed extension is dominant in scale, fills much of the garden space of 14 Minto Street and totally inappropriate in appearance and out of keeping with the character of the Blacket Conservation Area.

This development is not 'Green Tourism'

Is there any evidence to support their green claims other than a nod to cycling parties? Indeed, we don't quite understand how a coach party could safely turn on Blacket avenue or indeed park on Minto street. Any mention of special eco materials used for constructing the new building are missing. (e.g. Solar panels? Installation of electric charging points for guests? A kitchen garden to supply food for guest breakfasts?) Something innovative and interesting, smaller and with less impact, would have been much greener and perhaps more acceptable. The use of the term 'green

tourism' in respect of this development is not justifiable, is insulting and is little more than a derisory nod to a real issue and cause.

Comments for Planning Application 21/03281/FUL

Application Summary

Application Number: 21/03281/FUL

Address: 14 - 15 Minto Street Edinburgh EH9 1RQ

Proposal: Formation of new hotel bedrooms in the rear grounds of 14 Minto Street.

Case Officer: Jackie McInnes

Customer Details

Name: Mr Martin Gill

Address: 46a Blacket Place Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Objection by Martin Gill & Patricia Cacho, 46a Blacket Place.

Martin Gill & Patricia Cacho, residents and homeowners at 46a Black Place strongly object to this additional application to planning permission and listed building consent on the proposed extension at the rear of the Thrums Hotel at 14 Minto Street.

Our home, 46a Blacket Place forms a two-story rear extension to the main house at 46 Blacket Place which from our main picture window in the living room on the first floor of the rear extension to the property has a direct overview of the rear of the Thrums Hotel as well as its car park located at 14 Minto Street.

We believe the development as proposed contradicts nearly all the policies that apply to extensions to Listed Buildings and in Conservation Areas in Edinburgh and damages the essential character of the Blacket Conservation Area.

Our objections to the new planning application are as follows:

1. At no point has the owner of the Thrums Hotel or their representatives engaged in direct consultation about this Planning Application with either the Blacket Association or with the neighbors who will be directly affected by it.
2. The proposed extension is dominant in scale and inappropriate in appearance and out of keeping with the character of the Blacket Conservation Area. The development fills much of the garden space of 14 Minto Street and will be highly visible from both our back garden and more importantly from our main living room on the first floor of the rear extension at 46a Blacket Place.
3. The new proposed design is a complete change in appearance, for the worse in our opinion, from the traditional mews style extension originally granted planning permission under the

previous application, this is not just a change on height but a change in appearance of the building.

4. If approved it will create a highly inappropriate and insensitive building with increased scale which has a gable wall substantially higher than the previous design that would be directly visible and overlooked both from the main living room in our home but also our garden and from the main thoroughfare through the Blacket Conservation area and damage the amenity of this tree lined road. In other words, the proposed extension will damage the amenity and appearance of the conservation area and the distinctive sense of place along Blacket Avenue.

5. The proposed development will also severely affect the amenity and privacy of the property's immediate neighbors namely ourselves in 46a as well as other home owners in 46, 48 and 50 Blacket Place:

i. The additional number of rooms will increase the noise and disturbance experienced by those who neighbour the property.

ii. The proposed increase in the number of rooms (a 50% increase over the existing approved proposal) will mean a significant additional pressure on an already reduced number of parking spaces in the properties car park - there will not be enough car parking spaces on site to accommodate the potential number of visitors - this will put additional pressure on the available neighbourhood roadside pay & display car parking spaces which is already restricted.

iii. The increase in traffic will exacerbate the situation created by the existence of a hotel and a popular nursery on opposite sides of the same stretch of Blacket Avenue.

iv. The proposal to attract coach parties creates issues around drop off and uplift given coaches will not be able to access Blacket Avenue from any direction because of restricted width of entry.

v. Especially if as stated they will be targeting specialist cycling groups with we assume the additional need to off load bicycles on Minto Street before they are taken to the proposed bike sheds via the car park entrance on Blacket Avenue.

6. The application refers to proposed extension being subservient to the original listed main building, however, from the point of view of the neighbours at 46 Blacket Place the gable end wall which is now proposed to be 1.5 meters higher is within 4-5 meters or so of the existing boundary wall at the end of our gardens and as such the new building will dominate the line of sight from our living room and garden.

7. In addition, there are no trees to screen this gable end from direct sight as opposed to the development at Minto Mews which has mature trees providing a visual screen from neighbours in Blacket Place.

8. The application refers to the building (Minto Mews) at the rear of the former Minto Hotel as providing precedent. The difference here is that Minto Mews was built on the footprint of pre-existing function suite of the Minto Hotel whereas the extension being proposed to 14 Minto Street has no pre-existing structure. It is a new building where there is currently a car park - by approving this application it is therefore setting a worrying precedent of allowing for the construction of new buildings within the back gardens of properties within the Blacket Conservation Area.

9. As mentioned above there is no screening barrier of trees that will reduce the visible impact of this proposed extension and the gable end from plain sight of those residents in 46 and 48 Blacket Place.

10. The application talks about focusing on 'green' tourism and targeting specialist 'cycle' holiday operators while also being able to take coach party bookings - this is a somewhat convenient and suspicious given this is the first time the applicant has mentioned 'green' ambitions and indeed one of the previous planning applications talked about targeting increased number of motorcyclists.

11. The use of the term 'green tourism' to justify this development is really hard to comprehend. Our personal view is that, even with this development, the scale of purpose built hotels (now experiencing low occupation rates of course) and of the pipeline of approved hotels, means that Thrums will struggle. If so there is a real risk that in future Thrums will continue what appears to be its existing business model of providing longer term 'temporary' accommodation to single residents. In planning terms, it would be much better and more appropriate to return the property long term residential use.

12. We have concerns particularly about:

i. Where will the proposed coach parties be dropped off at the Thrums Hotel?

ii. Parking or drop off is not allowed on Minto Street outside No 14 or 15 - indeed there is a bus and a cycle lane in place now.

iii. Coaches will not be able to access Blacket Avenue from any direction due to the restricted width of the road entrances.

iv. The detrimental effect this potential increased coach and potentially taxi traffic will have on the safety of the children attending The Grange Corner House Nursery at 12 Minto Road, particularly with drop off and pick up of children taking place opposite the entrance of the existing car park of the Thrums Hotel.

Regards

Martin & Patricia Gill

Comments for Planning Application 21/03281/FUL

Application Summary

Application Number: 21/03281/FUL

Address: 14 - 15 Minto Street Edinburgh EH9 1RQ

Proposal: Formation of new hotel bedrooms in the rear grounds of 14 Minto Street.

Case Officer: Jackie McInnes

Customer Details

Name: Mr Richard Scothorne for the Blacket Association

Address: 7 Alfred Place Edinburgh

Comment Details

Commenter Type: Residents Association

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Submission by the Blacket Association

The Blacket Association strongly objects to the new planning application to develop a bedroom block at the rear of the Thrums Hotel at 14 Minto Street 21/03281/FUL .

The site is an undeveloped rear space - formerly a garden and now partially dedicated to parking. The development will destroy this precious open space (and the garden areas are identified in the local Character Assessment as one of the main features of the Blacket Conservation area) and creates a precedent for the development of other garden grounds that are adjacent to road access in the area.

The use of the Minto Mews development as a precedent is not appropriate - that was built on the footprint of an existing building and was for residential development.

This is clearly a much larger building than the relatively modest mews style building that was previously approved. It is 1.5 metres higher and a building of this height is detrimental to the appearance of the conservation area. It is much more obvious from Blacket Avenue and from neighbouring properties with the scope to reduce the light to adjacent garden grounds and reduce their privacy.

By sinking the building (to reduce the increase in height) and increasing the height the appearance of the building is completely altered. The previous application involved a building with the appearance of a traditional mews, but this new proposal looks like a large bedroom block. It lacks any references in terms of scale and articulation and it relates poorly to the original Georgian house. This is detrimental to the appearance and amenity of the conservation area.

While technically, in terms of height, the building is subservient to the original Georgian house at 14 Minto Street, the proposed building is a dominant presence in terms of its bulk and the extensive shade that it will cast across the remainder of the site. It is also significantly closer to 14 Minto Street than the approved application. For both these reasons it is damaging to the setting and character of the listed building.

The building now contains 15 bedrooms - so represents almost a doubling of capacity from the current 18 bedrooms in the main Thrums Hotel buildings. There are two implications of this:

- The location in the rear car park, close to adjacent gardens means that there is a significant risk of noise and disturbance affecting neighbouring properties
- The substantial increase in capacity is combined with a reduction of parking spaces to 5, with the associated risk associated with more vehicular traffic on the narrow Blacket Avenue entrance to Blacket and more vehicles turning in and out of the site. The entrance is opposite the entrance to the The Grange (Corner House Nurseries) which already creates traffic and parking problems in the morning and late afternoon.

Part of the target market for the hotel will be coaches of cyclists, but these will not be able to access the site along Blacket Avenue, and with the newly established cycle lanes on Minto Street (which the Blacket Association are keen to see retained) it will not be possible to park and unload coaches on Minto Street.

Comments for Planning Application 21/03281/FUL

Application Summary

Application Number: 21/03281/FUL

Address: 14 - 15 Minto Street Edinburgh EH9 1RQ

Proposal: Formation of new hotel bedrooms in the rear grounds of 14 Minto Street.

Case Officer: Jackie McInnes

Customer Details

Name: Mr Stanley Bird

Address: 4 Dryden Place Newington Edinburgh

Comment Details

Commenter Type: Other

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to lodge my strong objection to the new planning application to develop a bedroom block at the rear of the Thrums Hotel at 14 Minto Street 21/03281/FUL and 21/03284/LBC.

At present the site is an undeveloped rear space. I understand that it was previously a garden but is now and now parking for the residents. This precious open space which is identified in the local Character Assessment as one of the main features of the Blacket Conservation area will be destroyed by this development. If this development is permitted it will set a precedent for the development of other garden grounds that are adjacent to road access in the area.

The developer tries to use the development of the Minto Mews as a precedent. But with respect this is spurious as the Minto Mews development was built on the footprint of an existing building and was for residential development.

This proposal is of a much larger scale than the mews style building that was previously approved. It is also of a greater height and will impact adversely on the appearance of the conservation area. It will be more visible and dominant from Blacket Avenue and the surrounding neighbourhood properties. It will also impact adversely on the privacy and reduce the natural light of those living around it.

The appearance of the building is not improved by the developer sinking it into the ground in a poor attempt to reduce the obvious increase in height. It has departed significantly from the previous proposal which had a building which looked more like a traditional mews. Unfortunately this new proposal discards that attempt to fit into the surrounding buildings not only by sinking the building half a storey into the ground but also adding another storey on top. It looks like a bunker or barracks and there is no avoiding the fact of its somewhat "brutal" appearance. It is difficult to imagine a building which would be more detrimental to the appearance and amenity of the conservation area.

Although the new proposed building is lower in height than the original Georgian house at 14 Minto

Street, it is still an unwelcome and dominant presence - it is bulky and will cast extensive shade that across the remainder of the site. The previous application was somewhat more distanced from 14 Minto Street but this new application is significantly closer. The setting and character of the listed building are damaged by both of these factors.

The capacity of the new building at 15 bedrooms is a disproportionate increase in the capacity considering that the current number of bedrooms in the Thrums Hotel is 18. That is almost a 100% increase which is unacceptable. If this nearly-doubling of the bedroom capacity is permitted two things will follow:-

- There will be a significant risk of noise and disturbance affecting neighbouring properties because of the location in the rear car park, close to adjacent gardens means.
- More importantly, although there is a substantial increase in capacity there is, however, a counter-intuitive reduction in parking spaces to 5. This reduction increases the risks associated with more vehicular traffic on the narrow Blacket Avenue entrance to Blacket and an increase in the number of vehicles turning in and out of the site. The existing entrance is opposite the entrance to the Strawberry Nursery which is already congested and dangerous when parents, parking on the pavement, drop off and collect their children in the morning and late afternoon. I understand that the hotel owners hope to attract coaches of cyclists. However, they seem to have overlooked the fact that these coaches cannot access the site along Blacket Avenue. What is more, with the newly established cycle lanes on Minto Street will prevent the parking and unloading of i coaches on Minto Street.

For these reasons I object to this proposal and urge the Committee to reject this application.

Comments for Planning Application 21/03281/FUL

Application Summary

Application Number: 21/03281/FUL

Address: 14 - 15 Minto Street Edinburgh EH9 1RQ

Proposal: Formation of new hotel bedrooms in the rear grounds of 14 Minto Street.

Case Officer: Jackie McInnes

Customer Details

Name: Mr Aidan & Fiona Courtney

Address: 52 Blacket Place Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We object to the application for the following reasons:

1/The increased bulk and height of the development negatively changes the impact on the conservation area and neighbour's amenity. The development no longer bears any resemblance to a traditional building.

2/The development is on undeveloped garden ground in a conservation area and its development is against CEC's stated policies for such areas. We note that the Minto development, cited in the application as a precedent, is not relevant as it was the redevelopment of existing buildings on the site (a function suite in a victorian building). It is also much less dense, being 3 separate households as opposed to a dense block of rooms. We are very concerned with the precedent this creates for conservation areas in the city.

3/Density and access - the hotel proposes 15 extra rooms, ie up to 30 people. There is no safe parking (either for guests or for coach or taxi drop off) around the hotel either in Minto Street or Blacket Avenue. We are very concerned that this will lead to guests and/or coaches stopping and/or parking in Blacket Place where parking is already under considerable pressure, or illegally parking in Blacket Avenue which is dangerous.

Access to the back of the hotel from Blacket Avenue is on a sharp bend with poor visibility and is opposite the entrance to a children's nursery. The additional traffic from the hotel will increase the danger to pedestrians, including children & parents accessing the nursery. It may also put at risk plans to provide a cycle path in Blacket Avenue which have already been agreed.

4/Future useage - The application is purely for additional bedrooms with no additional dining or

service space. It does not clarify how the hotel will feed and service 30+ extra residents in its existing buildings.. We are concerned that this is not viable and will result in either future applications for additional buildings on the site, or change of use to long term hostel type accommodation. Either is these is inappropriate for the site and would generate strong community opposition.

We should also like to make clear that, contrary to the statements in the application, we are not aware of any "community consultation" having taken place on the revised application by the applicants.

Memorandum

To Head of Planning
City of Edinburgh Council
Planning and Transport
Place
Waverley Court
4 East Market Street
Edinburgh
EH8 8BG

F.A.O. Jackie McInnes

From John A Lawson
Archaeology Officer

Your 21/03281/FUL &
ref 21/03284/LBC

Date 9th July 2021

Our ref 21/03281/FUL &
21/03284/LBC

Dear Jackie

14-15 Minto Street

Further to your consultation request I would like to make the following comments and recommendations concerning these linked FUL & LBC applications for the formation of new hotel bedrooms in the rear grounds of 14 Minto Street.

The works occur within the rear gardens of two early/mid-19th century Villas. Construction work carried out in 2017 to the rear of the adjacent Minto Hotel (No16-18) uncovered two unrecorded domestic stone line wells.

Accordingly, this site has been identified as occurring within an area of archaeological potential. This application must be considered therefore under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and CEC's Edinburgh Local Development Plan (2016) Policy 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.

The proposals will require significant ground works associated with the construction, which given the evidence from the adjacent site may uncovered unrecorded domestic wells. Accordingly, it is recommended that a programme of archaeological work is undertaken during development to fully excavate, record and analysis any significant buried remains affected and if encountered preserve insitu any such wells that may be uncovered. It is recommended that the following condition be attached to permission/consent, if granted, to ensure that this programme of archaeological works is undertaken.

Director of Culture, Cultural Services, Place

City of Edinburgh Council Archaeology Service, Museum of Edinburgh, 142 Canongate, Edinburgh, EH8 8DD
Tel 0131 558 1040 john.lawson@edinburgh.gov.uk

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting) 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.

Please contact me if you require any further information.

Yours faithfully

A handwritten signature in black ink, appearing to read 'John A Lawson', with a horizontal line drawn through the middle of the signature.

John A Lawson
Archaeology Officer

From: [Jackie McInnes](#)
To: [Planning Support](#)
Subject: 21/03281/FUL 14 - 15 Minto Street
Date: 02 August 2021 14:58:54
Attachments: [image002.png](#)

Dear Planning Support,

Please log objection comment, put into Idox (I would do this but can't get connection this afternoon) and amend the number of contributors shown in Uniform.

Thank you,

Jackie

Jackie McInnes
Senior Planner
Locals 2 and Householders

Place Directorate | The City of Edinburgh Council | Waverley Court, Level G:2, 4 East Market Street, Edinburgh, EH8 8BG | jackie.mcinnes@edinburgh.gov.uk | www.edinburgh.gov.uk |

Working hours: Mon -Thursday; Friday morning.

Have you signed up to the [Planning Blog](#)? We will be using the Planning Blog to communicate and consult on important changes and improvements to the Planning service in 2021. Please sign up to the [Planning Blog](#) to make sure you are up-to-date.



From: Anne Havard <annehavard46@gmail.com>
Sent: 27 July 2021 11:47
To: Jackie McInnes <Jackie.McInnes@edinburgh.gov.uk>
Subject: 14-15 Minto Street

Dear Ms McInnes,

We are writing to object to the new application to develop a bedroom block at the rear of the Thrums Hotel on Minto Street. Please accept this email as being an objection to both 21/03281/FUL and 21/03284/LBC.

Planning consent for an extension has already been given for this site but this new application is far more than a minor alteration to the original proposal, which in itself we considered to be detrimental to the amenity and character of a residential Conservation Area.

Impact on our property.

The proposed development would be built directly behind our garden wall and the proposed extra storey would have a significant impact, both on the outlook and the noise, and on the

amount of light coming into the garden.

Impact on local parking.

The proposed extension means there would be more guests, but fewer parking spaces in the hotel grounds, inevitably leading to more traffic and pressure on the on-street parking in the area, where many residents do not have a garage and rely on being able to park in the road. The west end of Blacket Avenue is already dangerous; the road is narrow, on a bend, and has no pavement on one side; the entrance to a nursery school is opposite the entrance to the car park of 14-15 Minto Street and parents park in the Avenue, often on the only pavement, while dropping off and collecting children.

The precedent.

We do not consider Minto Mews, which was built in the grounds of the old Minto Hotel, to set a genuine precedent. Minto Mews replaced another building which was demolished. The proposed extension would not be replacing any existing building. Furthermore, Minto Mews is residential whereas this proposal is for a commercial property. There is certainly a shortage of residential property in Edinburgh but we question the need for any more hotel accommodation.

Yours sincerely,

John and Anne Havard, 46 Blacket Place, Edinburgh EH9 1RJ

Planning Reference:	21/03281/FUL (14-15 Minto Street, Edinburgh, EH9 1RQ)
Lead Officer:	Kyle Drummond
Date of comments:	7 th July 2021
Summary for report of handling:	It is estimated that the proposed development would support approximately 3 FTE jobs and £0.12 million of GVA per annum (2018 prices), compared to negligible economic activity supported by the site in question currently.
Comments:	<p>The following are comments from the City of Edinburgh Council's Commercial Development & Investment service relating to planning application 21/03281/FUL for the development of hotel accommodation at 14-15 Minto Street, Edinburgh.</p> <p><u>Commentary on existing uses</u></p> <p>The application relates to a 1,843 sqm site to the rear of 14 and 15 Minto Street, a pair of adjacent early 19th century houses currently in use as guesthouses. The site is currently used as gardens and parking spaces; it therefore does not currently support any significant level of economic activity.</p> <p><u>Commentary on proposed uses</u></p> <ul style="list-style-type: none"> ▪ <u>Class 7 – Hotels and hostels</u> <p>The development as proposed would deliver 15 additional bedrooms for the existing guesthouse(s). The economic impact of the bedrooms can be estimated. The Employment Densities Guide (3rd edition) quotes a mean employment density for limited service / budget hotels of one FTE employee per 5 bedrooms. This gives an estimated direct employment impact for the hotel of 3 FTE jobs (15 ÷ 5). Per data from the Scottish Annual Business Statistics, the GVA per employee per annum for the accommodation sector in Edinburgh was £41,488 as of 2018. This gives a projected direct GVA impact for the hotel of £0.12 million of GVA per annum (2018 prices) (3 × £41,888).</p> <p>These figures do not include the economic impact of expenditure by visitors to Edinburgh staying in the hotel on items other than accommodation (for example, transport, recreation, and shopping) due to a lack of the raw data required to model this impact robustly.</p> <p>SUMMARY RESPONSE TO CONSULTATION</p> <p>It is estimated that the proposed development would support approximately 3 FTE jobs and £0.12 million of GVA per annum (2018 prices), compared to negligible economic activity supported by the site in question currently.</p> <p><i>This response is made on behalf of Commercial Development & Investment</i></p>



By email to:
jackie.mcinnnes@edinburgh.gov.uk

City of Edinburgh Council
Planning and Strategy
4 Waverley Court
East Market Street
Edinburgh
EH8 8BG

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
HMConsultations@hes.scot

Our case ID: 300052529
Your ref: 21/03284/LBC
15 July 2021

Dear City of Edinburgh Council

Planning (Listed Building Consent and Conservation Area Consent Procedure)
(Scotland) Regulations 2015
14 - 15 Minto Street Edinburgh EH9 1RQ - Formation of new hotel bedrooms in the rear
grounds of 14 Minto Street and abutting boundary wall.

Thank you for your consultation which we received on 05 July 2021. The proposals
affect the following:

Ref	Name	Designation Type
LB29346	14 MINTO STREET, INCLUDING BOUNDARY WALLS	Listed Building
LB29347	15 MINTO STREET, INCLUDING BOUNDARY WALLS	Listed Building

Our Advice

Whilst we would not have a locus on assessing the enlarged block in relation to the setting of the B-listed buildings, we would encourage the retention of the original listed dividing and boundary walls.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on listed building/conservation area consent, together with related policy guidance.



Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.engineshed.org.

Please contact us if you have any questions about this response. The officer managing this case is Steven Robb who can be contacted by phone on 0131 668 8089 or by email on Steven.Robb@hes.scot.

Yours faithfully

Historic Environment Scotland

Christopher and Penelope Fleming

27 Blacket Place

Edinburgh

EH9 1RJ

21 July 2021

Chief Planning Officer
PLACE
Waverley Court
4 East Market Street
Edinburgh
EH8 8BG

Dear Sir

Proposed Development at 14-15 Minto Street, Edinburgh EH9 1RQ
Planning References 21/03281/FUL and 21/03284/LBC

As residents of the Blacket Conservation Area we wish to record our objection to the revised planning application for 14-15 Minto Street. We have examined the application, plans and other documents placed on the Planning Portal on 2nd July 2021. We are concerned, in particular, about the following matters:

1. Impact on a Conservation Area

The construction of a separate three story building housing 15 hotel bedrooms in what is, in effect, the gardens of one of the two original B listed properties that form the hotel would seem to be out of keeping with other garden villas in the area. It would also intrude on the character and setting of the original property, not least because this application has lost the original mews design of its predecessor and is also 1.5 metres higher.

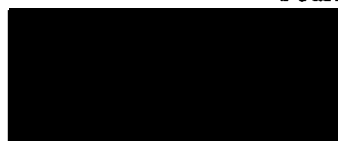
2. Traffic and Parking

The proposed reduction in parking places would put undue pressure on the newly available street visitor parking in this conservation area with limited alternatives. Coach drop-off arrangements are unclear and are likely to create a traffic problem in this very restricted area with potential risks to children attending the day nursery opposite the car park.

3. Noise and Disturbance

The extended provision to enable coach holiday bookings in addition to those using specialist cycle holiday operators would be likely to create noise and disturbance for adjacent local residents, particularly after hours.

Yours faithfully



(Christopher Fleming)



(Penelope Fleming)

1. The first part of the document is a list of the names of the persons who have been named in the document.

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16. The sixteenth part of the document is a list of the names of the persons who have been named in the document.

17. The seventeenth part of the document is a list of the names of the persons who have been named in the document.

18. The eighteenth part of the document is a list of the names of the persons who have been named in the document.

19. The nineteenth part of the document is a list of the names of the persons who have been named in the document.

20. The twentieth part of the document is a list of the names of the persons who have been named in the document.

21. The twenty-first part of the document is a list of the names of the persons who have been named in the document.

22. The twenty-second part of the document is a list of the names of the persons who have been named in the document.

23. The twenty-third part of the document is a list of the names of the persons who have been named in the document.



Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100479308-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Gilberts		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	George	Building Name:	
Last Name: *	Gilbert	Building Number:	39
Telephone Number: *	01312473100	Address 1 (Street): *	Grassmarket
Extension Number:		Address 2:	
Mobile Number:	07831595952	Town/City: *	Edinburgh
Fax Number:		Country: *	GB
		Postcode: *	EH1 2HS
Email Address: *	gg@gilberts.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="Kashif"/>	Building Number: <input type="text" value="14"/>
Last Name: *	<input type="text" value="Javid"/>	Address 1 (Street): * <input type="text" value="Minto Street"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: * <input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="EH9 1RQ"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value=""/>	

Site Address Details

Planning Authority:	<input type="text" value="City of Edinburgh Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="14-15 MINTO STREET"/>
Address 2:	<input type="text" value="NEWINGTON"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH9 1RQ"/>

Please identify/describe the location of the site or sites

Northings	<input type="text" value="672020"/>	Easting	<input type="text" value="326651"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Formation of new hotel bedrooms in rear grounds of 14 Minto Street and abutting boundary wall.

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see statement in supporting documents section.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Appellant's statement, drawings 2141 00 008,2141 00 010 and 2141 00 011.

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

21/03281/FUL

What date was the application submitted to the planning authority? *

02/07/2021

What date was the decision issued by the planning authority? *

21/09/2021

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr George Gilbert

Declaration Date: 30/09/2021

THRUMS HOTEL

14 AND 15 MINTO STREET, EDINBURGH, EH9 1RQ

APPEAL TO THE SCOTTISH MINISTERS

AGAINST THE DECISION OF THE CITY OF EDINBURGH COUNCIL

TO REFUSE PLANNING APPLICATION 21/03281/FUL

AND LISTED BUILDING CONSENT APPLICATION 21/03284/ LBC.

APPELLANT'S STATEMENT

1.0 Introduction

Planning and listed building consents 20/04317/FUL and 20/04316/LBC were granted on 23/04/2021 and established the principle for the erection of a traditionally styled, freestanding, pitched roof extension to the above hotel on part of an existing car park within its garden grounds.

This formula, for the upgrading and expansion of the original hotel accommodation, was arrived at following a lengthy period of careful exploration carried out by the Appellants in conjunction with the Council Planning Service.

After receiving this consent, the Appellants interrogated the Council Report of Handling.

This made no specific reference to a limitation on ridge height of the consented pitched roof.

A study of adjacent examples of rear garden consents, and in particular, that associated with the former Minto Hotel at 16 to 20 Minto Street, suggested that some moderation of the ridge height might be justified whilst, at the same time, preserving the sensitive setting of the relevant listed buildings.

The Appellants considered that a follow up planning application was justified from a business point of view since the additional accommodation would take Thrums Hotel into an enhanced operational category and would opened it up to a significantly wider and enlarged customer base.

The Appellants were also satisfied that this could be achieved without materially eroding the listed building setting principles established in the earlier consents.

2.0 The Appellant's Argument.

The Appellants are appreciative of the constructive guidance received from the Council Planning

Service over the lengthy duration of this and previous planning and listed building consent Applications associated with this project.

Collaboration and co-operation has been consistently good.

However, there is now a very clear and relatively easily defined difference of opinion over the acceptability of the height of the new rear extension.

The footprint of the refused extension is, with only minor modifications, a replica of the consented footprint.

The precise location of the building mass within the car park has been moved a short distance westwards to address potential eastern boundary overshadowing issues.

The palette of building materials have not changed from the consented design.

A semi basement floor of accommodation has been integrated into the original building mass form. The net result of this is that there is the potential to integrate a further layer of much needed lettable accommodation into the design with a non-material impact on the original listed buildings, neighbouring properties and street views.

The true impact of this proposed variation is perhaps best illustrated on the Appellants drawing 011. This drawing demonstrates the visual impact of the height increase when viewed from Blacket Place. Only when the car park gates are in the open position is the basement floor marginally visible. The change in level of approximately 1.5m between the public thoroughfare and the lower carpark level assists in concealing the semi basement floor.

Because of these moves, the Appellants would like to contest the Planning Services' assessment that the proposed extension would dominate the rear garden and thus detract from the appreciation of the rear elevation of the listed building to any material extent beyond that of the consented design.

Similarly, it is difficult to accept that the proposal will dominate eastern views to the rear of the hotel to a significant extent over the consented scheme.

The proposed architecture is so very similar in style to the consented scheme that it is difficult to

accept the Planning Services' description of an 'incongruous form', 'alien' to its environment.

3.0 Conclusion

The Appellants accept it is arguable that the height limitation of the proposed building is potentially a value judgement.

A moderate adjustment in building height and a modification of its lower portions does not suddenly convert a piece of acceptable architecture into an 'alien' and 'incongruous' form.

The Appellants believe that they have promoted reasoned evidence to justify consideration and support being given to their case.

Given the many and prolonged debates that have been associated with this project, the Appellants would like to declare their support for this appeal being determined on the basis of written submissions.

The appeal site may be visited by the Inquiry Reporter by prior appointment with the Appellants. This will assist in the protection of the privacy of hotel guests.

THRUMS HOTEL

14 and 15 MINTO STREET

EDINBURGH

EH9 1RQ

PLANNING AND LISTED BUILDING CONSENT APPLICATIONS

TO VARY CONSENT 20/04317/FUL and LBC

APPLICANT'S STATEMENT

BACKGROUND

Following a lengthy period of consultation with Community Groups and the Planning Department, planning and listed building consent was achieved for an extension of the hotel in the form of a traditional stone built, one and a half storey, free standing design.

This application gained the unanimous support of the Planning Committee who considered representations from the Blacket Association in arriving at their decision.

The Applicant made a case for the extension based on both architectural and economic grounds.

The new building is to be erected on the position of an unsightly car park.

Its mass form has been carefully designed to ensure compliance with Council guidelines on privacy and overshadowing of neighbouring properties and gardens.

The relatively modest increase in accommodation will allow the business to continue and to compete more equitably with the larger national hotel chains who occupy the high profile City centre locations.

The Applicants are grateful to the Council who have shown their support for this small hotel business and they are now in a stronger position to invest in a future trading plan after Covid restrictions are relaxed and more normal tourism returns to Edinburgh.

THE FUTURE

It is clear to the Applicants that a resumption of their previous trading plans will not be adequate or

appropriate for the tourist industry post Covid.

An ever-increasing focus on 'green' holidays is forecast and the owners of Thrums Hotel would like to be at the forefront of this trend.

As matters stand, Thrums Hotel has 19 lettable rooms to which planning consent 20/04317/FUL will add another 10 lettable rooms.

The addition of a further 5 lettable rooms would qualify the hotel to take coach party booking from specialist cycle holiday operators.

The coaches would be parked remotely in established coach holding areas.

A secondary, but much welcomed, implication would be the improved building cost per room benefit achieved in a spiralling inflation driven marketplace for building materials.

This approach to tourism would place Thrums Hotel at the leading edge of 'green' holiday packages in Edinburgh.

The Applicants have conducted business collaboration research and are satisfied that their initiative would expand to significantly benefit other local businesses such as restaurants and cycle hire and repair outlets.

The current planning application explores an architectural solution which would allow the Applicants to participate in this form of green tourism and at the same time preserve the historic significance of the architecture and gardens in their local.

The Applicants are especially mindful of the determining issues that were highlighted during the processing of their previous planning application.

THE CURRENT DESIGN PROPOSAL

The consented form for the new accommodation was specifically designed to be subservient to the original listed building and to be detached from it.

The approved building was also required to be distanced from the mature tree lined border on Blacket Place.

The Applicants have recently examined the mass form of the consented accommodation erected at the rear of the nearby former Minto Hotel, Minto Mews.

This significantly higher residential redevelopment with exposed first floor level terraces, replaced a

single storey flat roofed function suite and was interpreted by the Planning Authority to be subservient to the original listed buildings facing Minto Street.

The Applicants would like to promote a modification to the consented design which incorporates a semi basement level of accommodation.

The building footprint would not materially change but the roof height would rise by approximately 1.5m in height.

The proposed roof would be 1.4m below the roof of the building at the rear of the former Minto Hotel.

The visual impact of this arrangement is clearly illustrated in the two diagrams on drawing number 2141-00-011 and demonstrates that this proposal is not only subservient, in terms of mass form, to the listed buildings at 14 and 15 Minto Street but also to the new buildings in Minto Mews.

The remainder of the layout is a precise replica of the previously consented design but modified to incorporate the following enhancements promoted by the Community Associations and neighbours in their representations to the planning service about the consented scheme.

- A] The relocation of the proposed new line of trees at a distance from the boundary with Minto Mews.
- B] The incorporation of opaque glass in south facing roof windows of the proposed building improving privacy to the properties in Minto Mews.
- C] The preservation of sunlight and daylight standards to adjacent properties and gardens by the slight relocation westward of the proposed building.

The determining issue is clearly the proposed roof level of the new building and whether this impacts significantly on the setting of the original listed building.

The Applicants would like to promote the case that the adopted height of the adjacent properties in Minto Mews is a material consideration, and that the Applicant's revised proposal does not adversely impact on the setting of the listed building.

This drawing is copyright reserved and remains the property of Gilbert Associates Ltd.
All levels and dimensions are to be checked on site by the contractor and any discrepancies must be reported immediately to the Architect.
All dimensions are to be read off this drawing and NOT scaled.
Ordnance Survey Licence Number 100020668.

All work to be executed in strict accordance with the by-laws and regulations of the local authorities and in accordance with the British, EN & ISO Standards.
Where indicated/required, all drawings are to be read in conjunction with all other documents issued by Gilbert Associates Limited and/or other Consultants.



drawing status
PLANNING AND LISTED BUILDING CONSENT
client

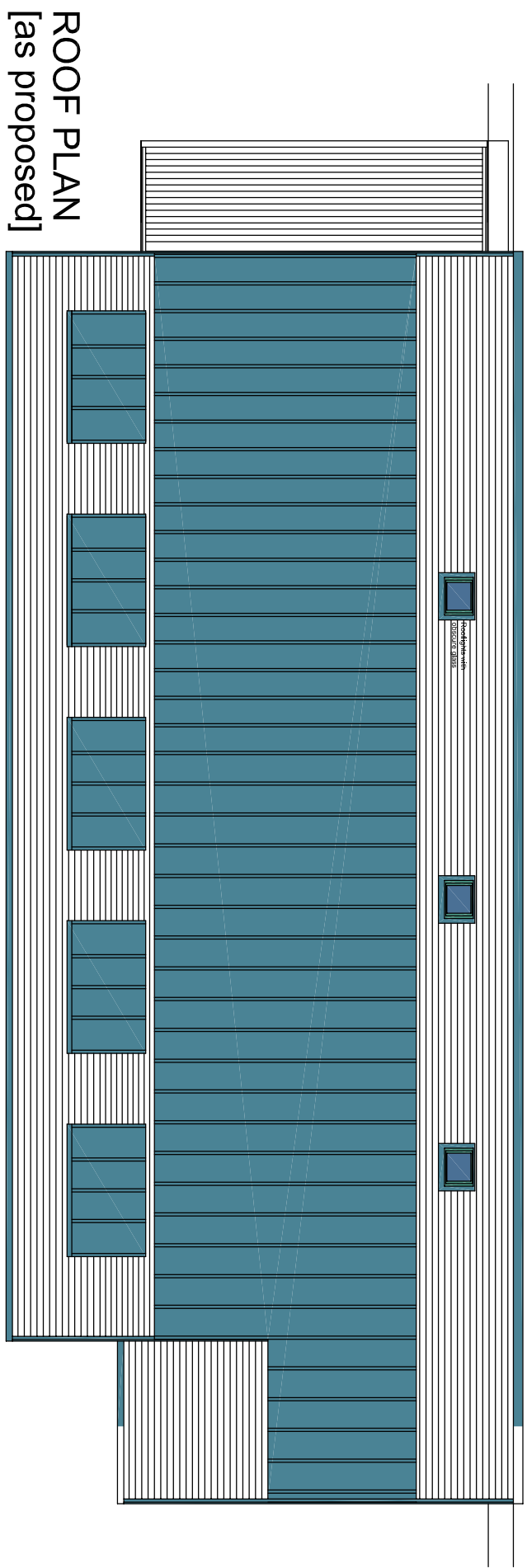
MR KASHIF JAVID
14 & 15 MINTO ST. EDIN. EH91RQ

project info
ALTERATIONS AND EXTENSION TO
THRUMS HOTEL
14 & 15 MINTO STREET
EDINBURGH EH9 1RQ

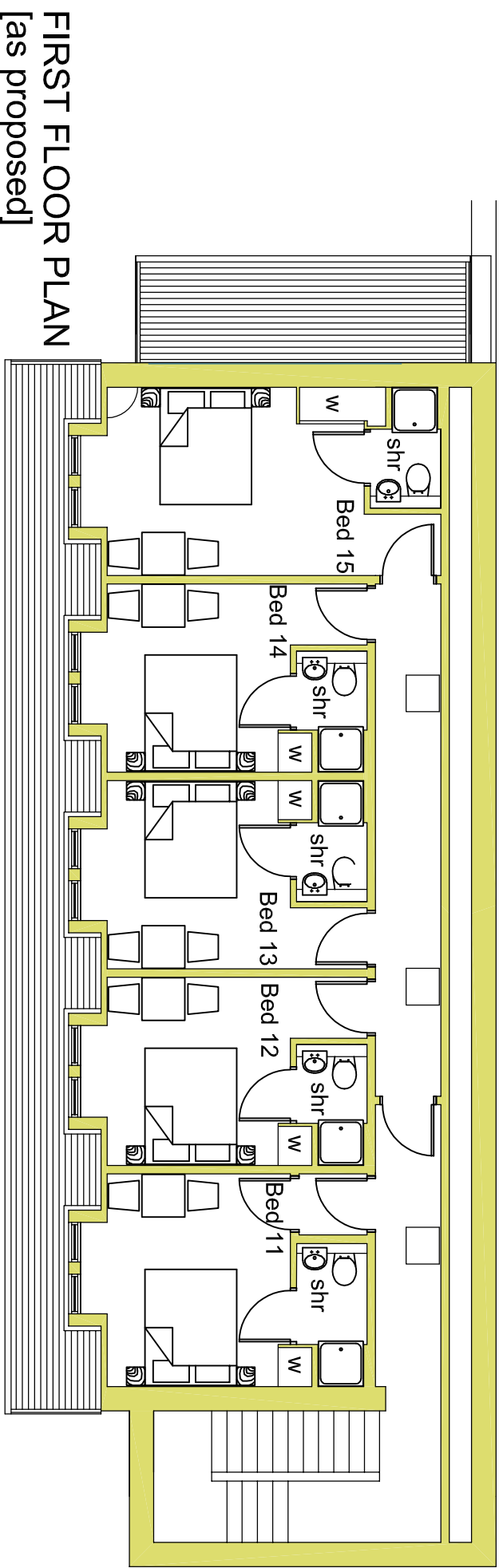
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drawing revisions
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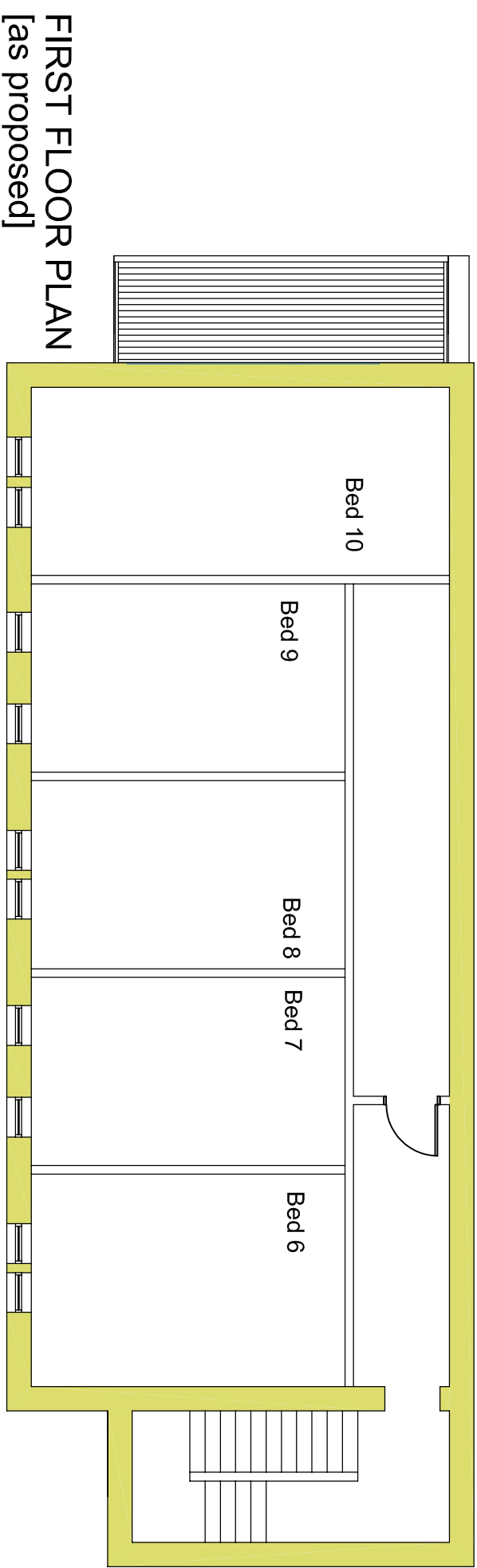
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date drawn	drawn by
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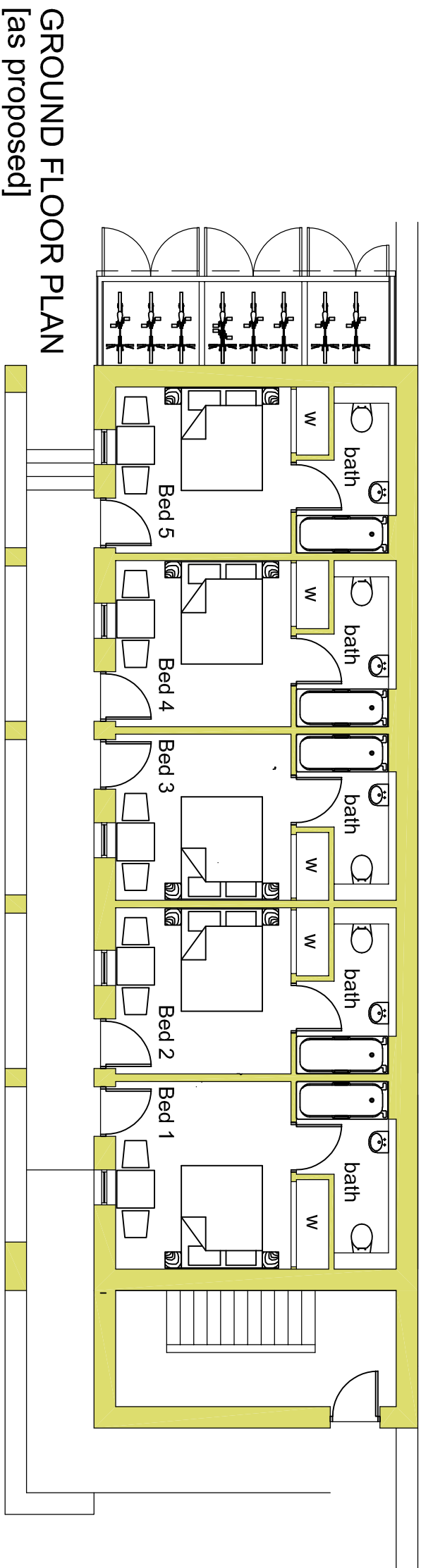
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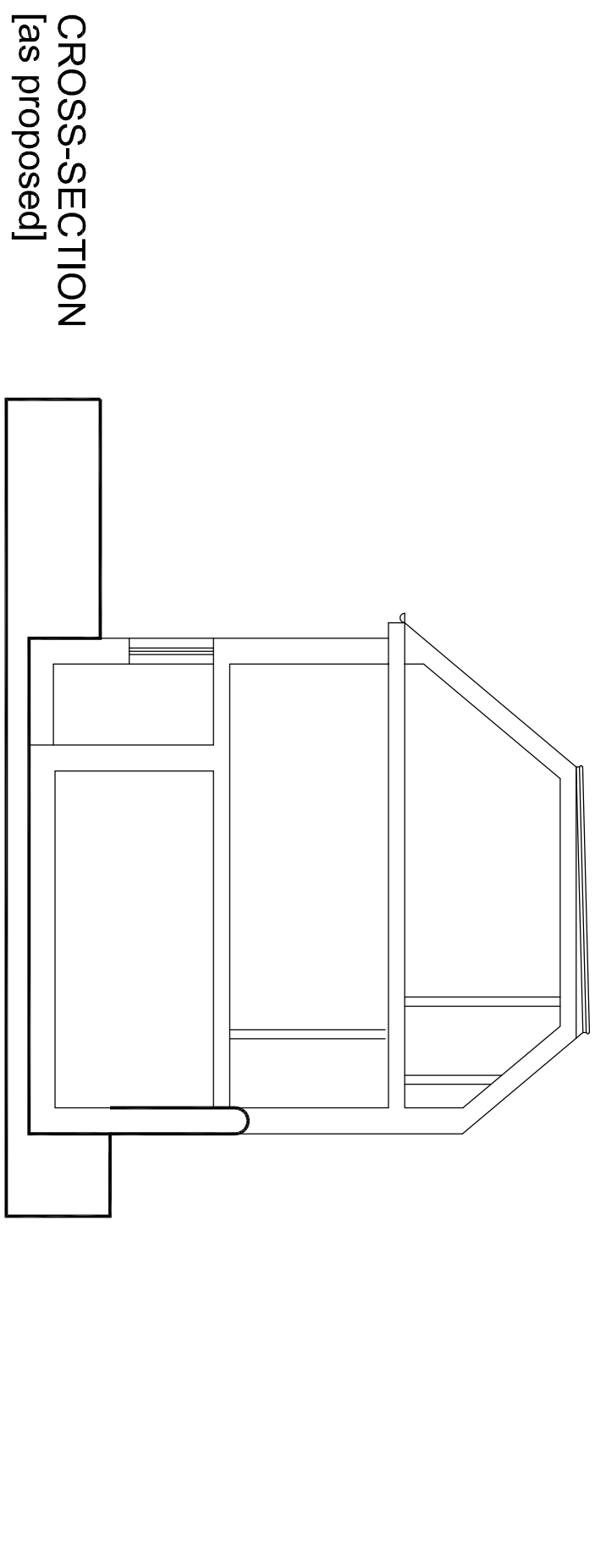
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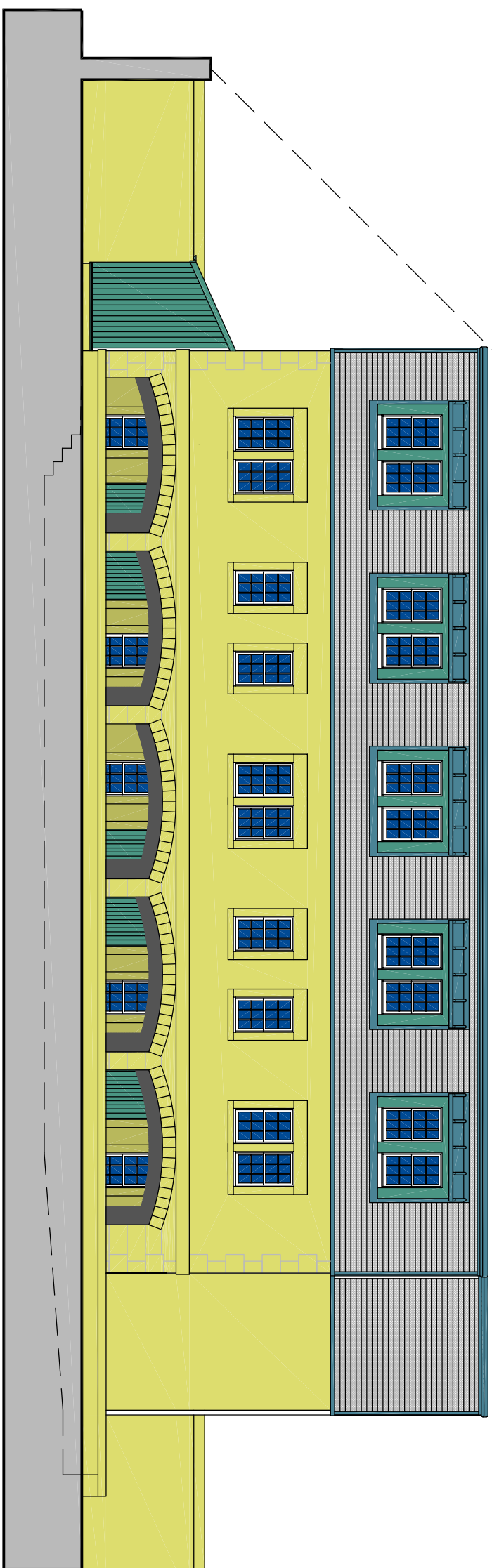
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GROUND FLOOR PLAN
[as proposed]



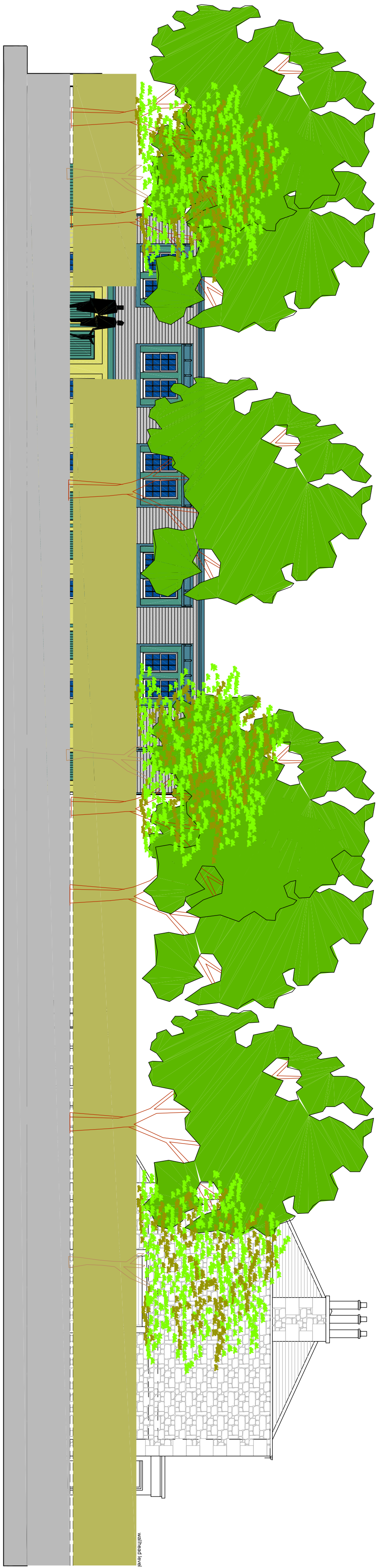
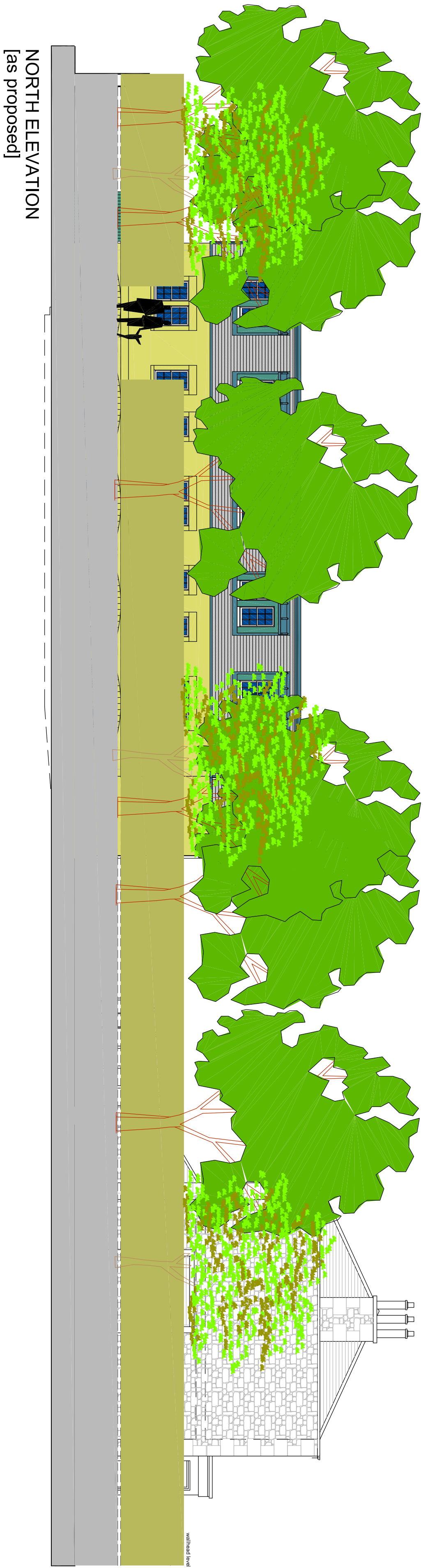
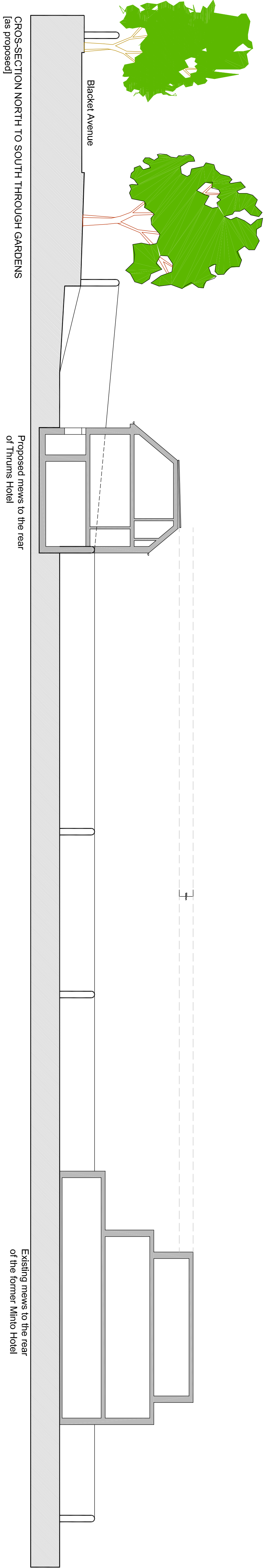
CROSS-SECTION
[as proposed]



NORTH ELEVATION
[as proposed]



SITE LAYOUT PLAN
[as proposed]



[REDACTED]

From: Don Gill [REDACTED]
Sent: 12 October 2021 09:13
To: Local Review Body
Subject: Your ref. 21/00099/REVREF. Planning Application 21/0328/FUL

Follow Up Flag: Follow up
Flag Status: Flagged

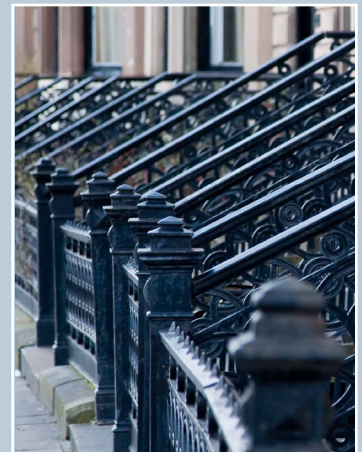
I wish to reiterate my opposition to the proposed development and express support for its rejection by the council.

I was, however, disappointed that the overwhelming opposition expressed by neighbours was not given more weight by the council in reaching its decision. We, after all, are the ones who have to live with the consequences of such decisions. What is the point of designating a Conservation Area and subsequently permitting large scale commercial development on previously undeveloped land in said area?

I trust that this appeal will be rejected by the Local Review Body.

D A Gill

Boundaries



Key Issues

1. Walls, fences and other boundary treatments form important elements in defining the character of historic buildings, conservation areas and designed landscapes. Listed building consent is required for any works affecting the character of a listed building and planning permission may be required in a conservation area.
2. Age, design, materials, and associated features are amongst the factors that contribute to the interest of historic boundaries.
3. In planning works to historic boundaries it is important to understand and protect their key characteristics.
4. Walls often use local building materials or local traditions. New work should seek to maintain this wherever possible.
5. Physical or documentary evidence should inform the reinstatement or reconstruction of boundary treatments.
6. Planning authorities give advice on the requirement for listed building consent, planning and other permissions.

1. INTRODUCTION

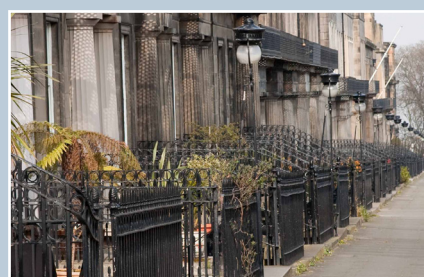
- 1.1 This is one of a series of guidance notes on managing change in the historic environment for use by planning authorities and other interested parties. The series explains how to apply the policies contained in the *Scottish Historic Environment Policy* (2009) ([SHEP](#), PDF 312K) and *The Scottish Planning Policy* (2010) ([SPP](#), PDF 299K).
- 1.2 This note sets out the principles that apply to altering the boundary treatments of historic buildings. It should inform planning policies and the determination of applications relating to the historic environment, and replaces the equivalent guidance in *The Memorandum of Guidance on Listed Buildings & Conservation Areas* (1998).
- 1.3 Monuments scheduled under the Ancient Monuments & Archaeological Areas Act 1979 require scheduled monument consent for any works. Where a structure is both scheduled and listed, the scheduling controls have precedence. Separate advice is available from Historic Scotland's website: [Scheduled Monuments: Guidance for Owners, Occupiers & Land Managers](#) (PDF 718K). Local authorities' archaeological advisers are a source of advice about potential archaeological sensitivity.
- 1.4 The legal issue of 'curtilage', or extent of property ownership, is not covered in this guidance note. Its definition is a matter for the local authority in each case, but may be ultimately determined by the courts. Professional legal advice is recommended in cases of doubt.

2. WHAT ARE BOUNDARY TREATMENTS?

- 2.1 A boundary treatment is a structure such as a ditch, wall, or fence, used to mark the boundary of a property, or part of a property. In many cases boundaries have associated structures or fixtures including gates, gatepiers, and lamp standards. Historic planting, such as a hedge or tree avenue, is often used to define a boundary. Only trees in Conservation Areas or those subject to specific Tree Preservation Orders (TPO) are subject to control by the Planning Authority.
- 2.2 Some boundaries, such as the walls of a walled garden or graveyard, might be protected by listing in their own right, whilst other boundaries can be of interest for their contribution to the character of a building, group of buildings, or area.



A domestic boundary wall in Ayr. The cast-iron street name sign and wall letterbox fixtures form part of the character of the wall. © N. Haynes.



A long complete stretch of iron railings and lamps at Regent Terrace, Edinburgh, part of the development planned by William Henry Playfair in 1825 and built 1826–33. © N. Haynes.



Circa 1865 cast-iron railings at a tenement in Sanda Street, Glasgow. © N. Haynes.



The 'Bear Gates', Traquair House, Scottish Borders, constructed in 1737–8. Part of their historical and associative interest is a legend that the gates were closed behind Bonnie Prince Charlie in 1745 and have not been opened since. © Crown copyright: RCAHMS. Licensor www.rcahms.gov.uk.



Three early 17th-century charter boles (used for defining boundaries and keeping property charters) set in the high wall of one of the long rig plots in South Street, St Andrews.



Part of the Citadel wall in Ayr, designed by the military engineer, Hans Ewald Tessen, in 1652 to protect Oliver Cromwell's garrison in the town. The corner turret is a 19th-century folly. The surviving walls of this large military complex are now in multiple ownership. © N. Haynes.



Like many 18th- and 19th-century buildings in Shetland, Belmont House (1777), Unst, stands at the centre of an extended formal arrangement of field boundaries. This aerial view was taken in 2005 before the recent restoration of the house. © Crown copyright: RCAHMS. Licensor www.rcahms.gov.uk.

3. WHY ARE BOUNDARY TREATMENTS IMPORTANT?

- 3.1 The layout and design of a boundary, its materials and method of construction, and the way in which it relates to other structures can be important elements of the character of a building or street, or contribute substantially to the sense of place and historical understanding of a rural or urban landscape.
- 3.2 Many boundaries are largely decorative, but others are functional, marking property ownership or providing security, privacy, shelter, safety, defence, containment of livestock, or even structural support as retaining walls. Some boundaries or gateways have historical associations with significant events or people, or play a part in ceremonies or rituals. Many present-day boundary walls provide visual clues to earlier buildings and structures in the form of blocked windows, doors and other features. These can be important in understanding the historical landscape.

4. IDENTIFYING THE INTEREST OF HISTORIC BOUNDARY TREATMENTS

Design qualities

- 4.1 Design qualities include the way in which a boundary is laid out or altered, its physical dimensions and appearance, the sense of enclosure it provides, its associated features, and its relationship with other structures. These qualities can be consciously determined by a designer or achieved more informally by craftsmen/tradesmen in conjunction with property owners. The age and rarity of the boundary are also factors in its interest.
- 4.2 Design qualities of boundaries, such as height and visual permeability, usually relate closely to function and location. High, solid walls are associated with controlling access or providing shelter, whilst fences, railings, balustrades and low walls are intended to allow views through or over the boundary. Some boundaries, such as 'hahas' (sunken retaining walls and ditches), are designed to be invisible from some directions, but still provide containment for livestock.
- 4.3 Boundaries and their associated structures and fixtures often have formal design relationships with a building or garden/landscape. For example, a garden wall might be arranged to form a symmetrical compartment around a house, with a gateway aligned on the axis of the house. Another type of relationship could include a stylistic similarity between the treatment of the boundary and the architectural characteristics of the house, such as a crenellated cope.
- 4.4 A particular characteristic of many boundaries is their scale in terms of length or height. The many different types of cope

found on historic walls can demonstrate different regional characteristics to wall construction and should be respected in new or repaired walls. The continuity or uniformity of a boundary can characterise a whole street or area of the same period, style, historical development or original ownership.

Material qualities

- 4.5 Design considerations were normally determined by the technological capabilities of the period, the availability of local building materials, and the craft or trade traditions of particular areas.
- 4.6 From an early date ditches and/or turf walls were constructed around buildings for defensive purposes. These were superseded by stone walls. Stone walls were also used in and around the medieval burghs for demarcating plots of land, or 'feus', and for controlling trade through the official 'ports' (gateways). Stone boundary walls of various types and dates characterise cities, towns, villages, and remain a very potent symbol of agricultural 'improvement' from the mid-18th century onwards. Where the boundary walls form a contiguous feature of a harled building, they are often harled to match.
- 4.7 Brick was frequently used for its qualities of heat retention in the construction of walled gardens. Concrete, and composite materials like Coade Stone, may reflect local character in boundary walls.
- 4.8 Cast-iron railings define the edge of the public realm and the fronts of properties in many planned developments of the late 18th and 19th centuries. Boundaries to the rear of properties tended to be of high rubble walls with 'slaister' (widely spread) mortaring and stone copes. The iron industry of the 19th century resulted in a great variety of decorative cast and wrought iron railings and gates from the sober to the exuberant, a feature that continued through to early 20th-century boundaries. Suburban Victorian properties frequently feature



Boundary walls at a country estate in the Scottish Borders.



The famous 1761 Pineapple pavilion (now a holiday cottage) forms part of the boundary of the walled garden at Dunmore, Falkirk. Pineries originally flanked the entrance: heating and ventilation shafts for the glass houses are built into the brick walls. © Crown copyright: RCAHMS. Licensor www.rcahms.gov.uk.

Hopetoun House, West Lothian, viewed from beyond the haha. The sunken wall and ditch allowed unobstructed views from the house, but kept livestock out of the garden.





Bee boles (niches for bee hives) set into a boundary wall at Law's Close, High Street, Kirkcaldy, Fife.



Meikleour Beech Hedge, Perth & Kinross. Whilst a low, drystone wall forms the policy boundary with the A984, the associated beech hedge, believed to have been planted in 1745, is the dominant feature.
© N. Haynes.

dwarf ashlar walls topped with cast-iron railings with matching gates. Cast-iron lamp standards contribute to the character of an area.

- 4.9 The rustic qualities of timber were sometimes exploited by designers in boundary fencing from the later 18th to the mid 19th-century, but little of the original fabric now survives. Original timber fences can still be found on the boundaries of late 19th-century Arts and Crafts buildings. Nineteenth-century timber pedestrian and carriage gates are also common features.

Associated structures and fixtures

- 4.10 From early times boundaries have been constructed to incorporate functional and decorative features, such as gateways and bee boles (niches for bee hives). The range of features expanded from the 18th century, with the incorporation of lighting and other infrastructure fixtures, including signage and post boxes. Such structures and fixtures are often of significant interest and contribute to the character of the boundary.

5. GENERAL PRINCIPLES FOR ALTERATIONS AND REPAIRS

Character and interest of the boundary

- 5.1 Alterations or repairs to a historic boundary should protect its character. Walls and fences can be valuable in their own right as major elements in the design of a historic building and its setting, or in a broader streetscape or landscape. Documentary research and fabric analysis can be useful in understanding the design and material properties of historic boundaries before undertaking alterations or repairs.
- 5.2 The precedent of alterations in unified designs of streets and other groups of buildings should be considered. Where historic planting contributes to the character of the boundary, it should also be taken into account.

Maintenance

- 5.3 Regular inspection, maintenance and appropriate repair are essential to maintaining the structural and visual integrity of historic boundaries and their associated features. Cast-iron gates and railings require a regular schedule of painting to prevent corrosion. Where extensive historic boundaries are now in multiple ownership, a co-ordinated approach to maintenance is desirable to ensure a consistent approach. Where they contribute, planted boundaries should be retained wherever possible.

Alterations

- 5.4 All alteration proposals must take into account the design and material characteristics of the historic boundary. Lowering of walls to create better sightlines can be damaging to the

character of the boundary and gateway. Alternative locations for access may have less impact on a boundary and provide safer approaches for vehicles. The design, materials and execution of alterations should have regard to the original.

New Openings

- 5.5 The formation of a new opening needs to be considered in light of the overall composition of the boundary and assessed as to whether it would be consistent with the existing design. Where the formation of a new opening is found to be consistent, the minimum of historic fabric should be lost and the opening should normally be detailed to match the existing openings. In some cases it might be appropriate to introduce high-quality contemporary design to new fixtures like gates.

Widening of openings

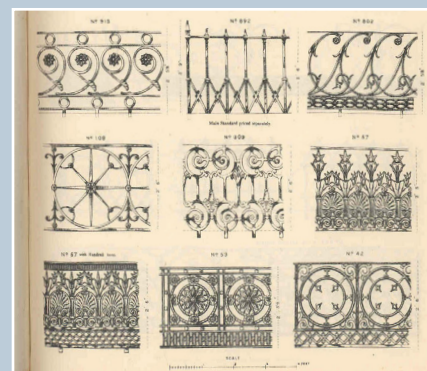
- 5.6 The widening of gateways should be avoided where it will adversely affect the coherence and proportion of a design or the relationship of the gateway to another building or planned layout. In other cases, particularly where historic gates are not part of the design or have been previously removed, careful dismantling and reconstruction of gatepiers to provide a wider opening may be possible.

Rebuilding

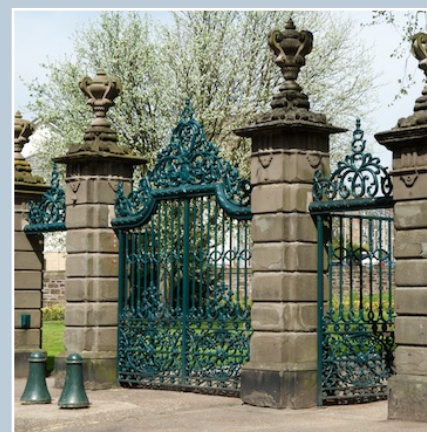
- 5.7 There may be occasions where a boundary wall needs to be rebuilt for structural reasons. In cases where the boundary is of interest in its own right, or contributes to the interest of another structure, it is usually possible to rebuild the boundary reusing the bulk of the dismantled original material. Dressed stone in particular should be rebuilt in its original position. It is important to maintain the proportions, depth and irregularities arising from historic methods of construction in the rebuilt wall. Where alterations are proposed the design, materials and execution should have regard to the original. The opportunity can be taken to restore any details of the wall that have previously been altered. Proposals to rebuild should normally be supported by a structural report, photographs and detailed survey drawings. This is particularly the case where faithful reconstruction is proposed. The local authority will then determine whether consent is required.

Reinstatement

- 5.8 Although cast and wrought iron railings are a feature of boundaries from the mid 18th-century to the mid 20th-century, many were removed from cities and towns during the Second World War. Where portions of historic cast-iron railings remain or photographic evidence exists, the restoration of traditionally detailed railings is appropriate. The method of fixing new railings to copes must be balanced against preventing damage to historic fabric. Historic Scotland's *Inform Guide: Boundary Ironwork - A Guide to Reinstatement* provides further details on



Late 19th-century catalogue of railings produced by MacFarlane's Saracen Foundry, Glasgow. Specialist iron foundries are still able to reproduce these patterns for repair and reinstatement work.



Baxter Park, Dundee. The cast-iron gatepiers and cresting of 1863 survived, but the gates were missing until they were replaced as part of the restoration of the park in 2007.



Railings reinstated in 2006 define the edge of Baxter Park, Dundee, and are key to its regeneration and good management. The patterns were deduced from a short surviving section.



A contemporary gate at the Salisbury Centre, Edinburgh designed by the artist blacksmiths Ratho Byres Forge.

the practicalities of researching historic patterns and reinstating boundary ironwork.

- 5.9 If there is no clear historic model to follow then high-quality contemporary design may be considered. It should be in materials compatible with the historic fabric and not damage or obscure historic detailing. The means of fixing must be compatible with the historic fabric.

Graffiti

- 5.10 Further information on localised cleaning methods is available in Historic Scotland's Inform Guide: Graffiti and its Safe Removal, details are given on the back page of this leaflet.

6. CONSENTS

- 6.1 Listed building consent is required for any work to a listed building that affects its character. The local authority determines the need for consent.
- 6.2 Where listed building consent is required, an application is made to the local authority. This should include accurate scale drawings showing both the existing situation and proposed works in context. It is normally helpful to provide detailed technical information and photographs. A brief description of the interest of the boundary treatment and an explanation of the impact of the alterations are always useful in assessing change.

FURTHER INFORMATION AND ADVICE

Details of all individual scheduled monuments, listed buildings, designated gardens and designed landscapes, and designated wrecks can be obtained from Historic Scotland (see contact details below) or at: www.pastmap.org.uk. Details of listed buildings can also be obtained from the relevant local authority for the area.

Advice on the requirement for listed building consent, conservation area consent, building warrants, and other permissions/consents should be sought from local authorities.

Historic Scotland
Longmore House
Salisbury Place
EDINBURGH
EH9 1SH

Tel: 0131 668 8981 or 8717

Fax: 0131 668 8765

E-mail: hs.inspectorate@scotland.gsi.gov.uk

Web: www.historic-scotland.gov.uk

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www.historicscotlandimages.gov.uk

Cover images

Boundary wall at Warsetter Farmhouse (late 19th century), Sanday, Orkney. © Crown copyright: RCAHMS. Licensor www.rcahms.gov.uk.

Detail of the 1871 wrought- and cast-iron 'Golden Gates' at Benmore House, Loch Lomond & the Trossachs National Park.

Cast-iron railings (circa 1880), Dowanside Road, Glasgow. © N Haynes.

Other selected Historic Scotland publications and links

[Maintaining your Home – A Short Guide for Homeowners](#) (2007) (PDF 1.4MB)

[Scotland's Hidden Gem: Architectural Ironwork in Stornoway](#) (2008) (Historic Scotland online shop)

Inform Guide: Domestic Boundary Walls (2008)

Inform Guide: Maintenance of Iron Gates and Railings (2007)

Inform Guide: Boundary Ironwork – A Guide to Reinstatement (2005)

Inform Guide: The Use of Lime and Cement in Traditional Buildings (2007)

Inform Guide: Repointing Rubble Stonework (2007)

Inform Guide: Repairing Brickwork (2007)

Inform Guide: Graffiti and its Safe Removal (2005)

For the full range of Inform Guides, Practitioner Guides, Technical Advice Notes and Research Reports please see the [Publications](#) section of the Historic Scotland website.

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MANAGING CHANGE IN THE HISTORIC ENVIRONMENT

Setting





Above: Kilmartin Glen, Argyll and Bute. An important prehistoric linear cemetery composed of a number of burial cairns and standing stones. Intervisibility between elements of the complex, and views along the line of monuments, through and along the valley, are key to understanding each monument and the complex as a whole. © Kilmartin House Trust'

Cover image: Bronze-Age stone circle at Tomnaverie, Aberdeenshire. Many recumbent stone circles are located on elevated positions and are positioned to have wide-ranging views over the landscape. Views towards these monuments are also an important part of their setting as many appear skylined against the horizon.

MANAGING CHANGE IS A SERIES OF NON-STATUTORY GUIDANCE NOTES ABOUT MANAGING CHANGE IN THE HISTORIC ENVIRONMENT. THEY EXPLAIN HOW TO APPLY GOVERNMENT POLICIES.

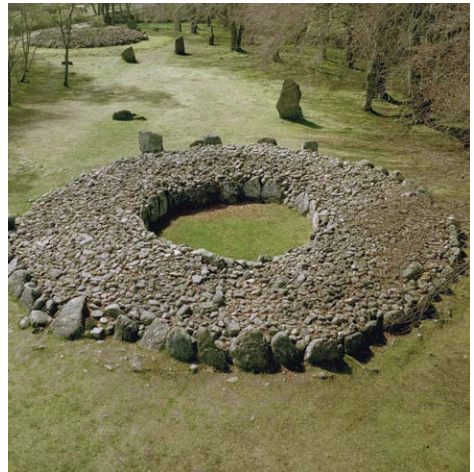
The aim of the series is to identify the main issues which can arise in different situations, to advise how best to deal with these, and to offer further sources of information. They are also intended to inform planning policies and the determination of applications relating to the historic environment.

INTRODUCTION

This note sets out the principles that apply to developments affecting the setting of historic assets or places, including scheduled monuments, listed buildings, Inventory historic gardens and designed landscapes, World Heritage Sites, conservation areas, historic battlefields, Historic Marine Protected Areas and undesignated sites.

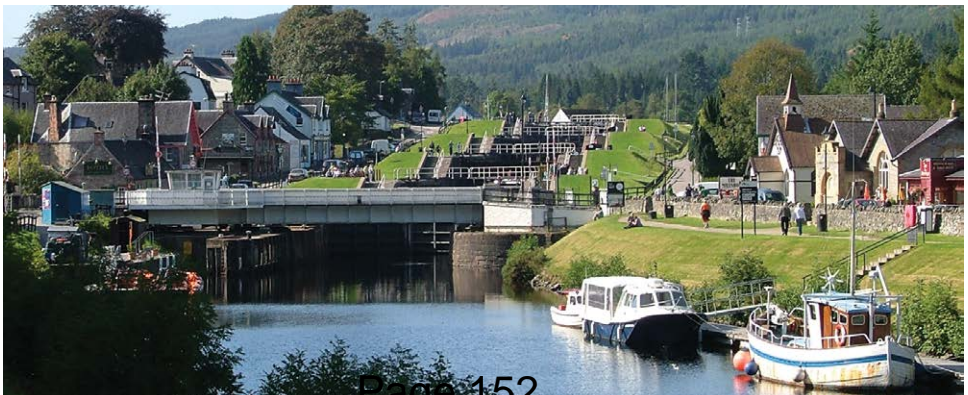
Planning authorities usually make the initial assessment of whether a development will affect the setting of a historic asset or place. However, this may also be identified through other mechanisms such as an Environmental Impact Assessment (EIA) or Strategic Environmental Assessment (SEA). If a planning authority identifies a potential impact on a designated historic asset, it may consult Historic Environment Scotland, who act as statutory consultees in the planning process.

World Heritage Site status brings a commitment to protect the site's cultural significance and the Outstanding Universal Value for which the site is inscribed. This may include reference to aspects of setting.



Clava Cairns, Highland. An important Bronze-Age cemetery complex of burial cairns and standing stones. Intervisibility of elements of the complex is key to understanding the scheduled monument. © Crown copyright: Historic Environment Scotland. Licensor canmore.org.uk

Below: Fort Augustus lock flight, Caledonian Canal, Highland. Running from Inverness to Banavie, near Fort William, the scheduled Caledonian Canal represents the culmination of 18th-century canal construction in Scotland. The modern village of Fort Augustus developed along the locks, and views along the lock flight clearly reveal the relationships between the urban topography and the canal. © J. Malcolm



KEY ISSUES

1. Setting can be important to the way in which historic structures or places are understood, appreciated and experienced. It can often be integral to a historic asset's cultural significance. Planning authorities must take into account the setting of historic assets or places when drawing up development plans and guidance, when considering environmental and design assessments/statements, and when making decisions on planning applications.
2. Where development is proposed it is important to:
 - identify the historic assets that might be affected
 - define the setting of each historic asset
 - assess the impact of any new development on this
3. Setting often extends beyond the property boundary or 'curtilage' of an individual historic asset into a broader landscape context. Both tangible and less tangible elements can be important in understanding the setting. Less tangible elements may include function, sensory perceptions or the historical, artistic, literary and scenic associations of places or landscapes.
4. If proposed development is likely to affect the setting of a key historic asset, an objective written assessment should be prepared by the applicant to inform the decision-making process. The conclusions should take into account the significance of the asset and its setting and attempt to quantify the extent of any impact. The methodology and level of information should be tailored to the circumstances of each case.
5. In the light of the assessment described above, finalised development proposals should seek to avoid or mitigate detrimental impacts on the settings of historic assets.
6. Advice on whether a planning application should include an assessment of the development's impact on setting should be sought from the planning authority.

1. WHAT IS 'SETTING'?

'Setting' is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced.

Monuments, buildings, gardens and settlements were almost always placed and orientated deliberately, normally with reference to the surrounding topography, resources, landscape and other structures. Over time, these relationships change, although aspects of earlier settings can be retained.

Setting can therefore not simply be defined by a line on a map, and is likely to be unrelated to modern landownership or to curtilage, often extending beyond immediate property boundaries into the wider area.

Baltersan Castle, South Ayrshire. A category A listed 17th-century tower house, viewed from the 15th-century gatehouse of the adjacent Crossraguel Abbey. The medieval burgh of Maybole lies beyond, marked by the bell tower of the tolbooth. These elements of the late medieval / early modern Maybole area have clear visual and spatial relationships. © J. Malcolm

2. WHAT FACTORS CONTRIBUTE TO SETTING?

The setting of a historic asset can incorporate a range of factors, not all of which will apply to every case. These include:

- current landscape or townscape context
- views to, from and across or beyond the historic asset or place
- key vistas (for instance, a 'frame' of trees, buildings or natural features that give the historic asset or place a context, whether intentional or not)
- the prominence of the historic asset or place in views throughout the surrounding area, bearing in mind that sites need not be visually prominent to have a setting
- aesthetic qualities



- character of the surrounding landscape
- general and specific views including foregrounds and backdrops
- views from within an asset outwards over key elements in the surrounding landscape, such as the view from the principal room of a house, or from a roof terrace
- relationships with other features, both built and natural
- non-visual factors such as historical, artistic, literary, place name, or scenic associations, intellectual relationships (e.g. to a theory, plan or design), or sensory factors
- a ‘sense of place’: the overall experience of an asset which may combine some of the above factors

Defining the setting of a historic asset or place is case-specific and will ultimately rely on informed judgement, based on a range of considerations, including those set out above.

Cullen Seatown, Moray. In this conservation area the layout of the buildings is closely linked to the landscape context: on the north side of the village, gables face the sea to maximise shelter; here, on the south side, the houses are aligned to maximise light. © N. Haynes



3. ASSESSING THE IMPACT OF CHANGE

There are three stages in assessing the impact of a development on the setting of a historic asset or place:

- **Stage 1: identify the historic assets** that might be affected by the proposed development
- **Stage 2: define and analyse the setting** by establishing how the surroundings contribute to the ways in which the historic asset or place is understood, appreciated and experienced
- **Stage 3: evaluate the potential impact of the proposed changes** on the setting, and the extent to which any negative impacts can be mitigated (see Section 4)

Stage 1: identify the historic assets

A desk assessment of historic environment records and other relevant material will provide the baseline information, identifying which assets will be affected and what is significant about them.

The initial approach should include all the potentially affected historic assets and places (including those relatively distant from the proposal) and their settings. It may be necessary to engage a suitably qualified historic environment consultant to undertake this identification and assessment.

Neist Point Lighthouse, Skye, Highland. The remote location and open views are important elements in the function and setting of the category B listed lighthouse. Seaward views are important, and views towards the lighthouse from shipping channels also form part of the setting.



Stage 2: define and analyse the setting

The setting of a historic asset comprises our present understanding and appreciation of its current surroundings, and what (if anything) survives of its historic surroundings combined with subsequent historic changes. Answering the following questions often helps define a setting:

- How do the present surroundings contribute to our ability to appreciate and understand the historic asset or place?
- How does the historic asset or place contribute to its surroundings? For instance, is it a prominent or dominant feature in the landscape?
- When the historic asset or place was developed or in use (both originally and subsequently):
 - how was it intended to be viewed? From a distance? From other sites, buildings or specific points in the landscape?
 - what views was it intended to have? Wide views over the landscape or seascape? Confined views? Narrow alignment(s)?

Key viewpoints to, from and across the setting of a historic asset should be identified. Often certain views are critical to how a historic asset is or has been approached and seen, or understood when looking out. These views were sometimes deliberately manipulated, manufactured and/or maintained, and may still be readily understood and appreciated today. Depending on the historic asset or place these could include specific points

on current and historical approaches, routeways, associated farmland, other related buildings, monuments, natural features, etc.

Sometimes these relationships can be discerned across wide areas and even out to distant horizons. In other cases they have a more restricted view, defined and enclosed by topographical or built features. For some historic assets and places, both immediate and distant points of visual relationship are crucial to our understanding of them.

Changes in the surroundings since the historic asset or place was built should be considered, as should the contribution of the historic asset or place to the current landscape. In some cases the current surroundings will contribute to a sense of place, or how a historic asset or place is experienced.

The value attributed to a historic asset by the community or wider public may influence the sensitivity of its setting. Public consciousness may place a strong emphasis on an asset and its setting for aesthetic reasons, or because of an artistic or historic association. Such associative values can contribute to the significance of a site, and to the sensitivity of its setting.

Whether or not a site is visited does not change its inherent value, or its sensitivity to alterations in its setting. This should be distinguished from the tourism, leisure or economic role of a site. Tourism and leisure factors may be relevant in the overall analysis of the impact of a proposed development, but they do not form part of an assessment of setting impacts.

In certain circumstances the value attributed to a historic asset by the community or wider public may influence the sensitivity of its setting. Public consciousness may place a strong emphasis on an asset and its setting for aesthetic reasons, or because of an artistic or historic association. Such associative values can contribute to the significance of a site, and to the sensitivity of its setting. However, it is important to emphasise that an asset has a setting whether it is visited or not.

Stage 3: evaluate the potential impact of the proposed changes

The impact of a proposed development on the setting of a historic asset or place can be a material consideration in determining whether a planning or other application is given consent, so thought must be given to whether new development can be incorporated

Aerial view of Kinross House (1684) and gardens and Lochleven Castle, Perth and Kinross. The category A listed house and gardens which feature on the Inventory of Gardens and Designed Landscapes, designed by Sir William Bruce as his main residence, used the castle and the island as a picturesque focal point in the landscape.

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Licensor canmore.org.uk

sensitively. Depending on the nature of the historic asset or place, relatively small changes in the wider landscape may affect its setting.

Certain types of development require an Environmental Impact Assessment (EIA), which might include assessing the impact on the setting of a historic asset or place. Further information and advice about EIA can be found on our [website](#).

Factors to be considered in assessing the impact of a change on the setting of a historic asset or place include:

- whether key views to or from the historic asset or place are interrupted
- whether the proposed change would dominate or detract in a way that affects our ability to understand and appreciate the historic asset
- the visual impact of the proposed change relative to the scale of the historic asset or place and its setting



- the visual impact of the proposed change relative to the current place of the historic asset in the landscape
- the presence, extent, character and scale of the existing built environment within the surroundings of the historic asset or place and how the proposed development compares to this
- the magnitude of the proposed change relative to the sensitivity of the setting of an asset – sometimes relatively small changes, or a series of small changes, can have a major impact on our ability to appreciate and understand a historic asset or place. Points to consider include:
 - the ability of the setting to absorb new development without eroding its key characteristics
 - the effect of the proposed change on qualities of the existing setting such as sense of remoteness, current noise levels, evocation of the historical past, sense of place, cultural identity, associated spiritual responses
 - cumulative impacts: individual developments may not cause significant impacts on their own, but may do so when they are combined



Rosyth Castle, Fife. Once located on an island in the River Forth, the site was incorporated into the naval dockyards in the 20th century resulting in significant change to the scheduled monument's original setting. Any changes, including enhancement, need to be considered against the current setting.

Many Geographical Information Systems (GIS) packages support useful interpretative models, such as wireframes, viewshed analyses and digital terrain models. Graphic presentations such as photomontages, and landscape data-sets such as Historic Land-use Assessment (HLA), may also assist in reaching an understanding of a historic asset or place in the landscape and how development may affect it.

4. MITIGATION OF IMPACTS AND ENHANCEMENT OF SETTING

Where the assessment indicates that there will be an adverse impact on the setting of a historic asset or place, even if this is perceived to be temporary or reversible, alterations to the siting or design of the new development should be considered to remove or reduce this impact.

The most effective way to prevent impacts on setting is during site selection and early design. Any mitigation and enhancement proposals should be discussed as part of the pre-application process.

Burghead Harbour, Moray. Early 19th century listed granaries line the quayside. Their even spacing, scale and relationship to the wet dock and to the grid-plan town are relevant to an understanding of the setting. © N. Haynes

Other mitigation measures include screening the development, for example with trees or bunding (enclosing structures). However, the screening itself needs careful consideration so that it does not cause an impact in its own right.

It is also important to bear in mind that vegetation such as trees are subject to environmental and other factors (e.g. wind blow, felling and seasonal changes which affect leaf cover) and cannot necessarily be relied upon to mitigate adverse impacts of a development. In some cases, there may be potential for improving the setting of a historic asset or place, for example by opening up views through removing vegetation.





The Inventory garden and designed landscape at Crathes Castle, Aberdeenshire. The formality of the late 18th and 19th century gardens contrasts with the farmland beyond. © N. Haynes

5. FURTHER INFORMATION AND ADVICE

Historic Environment Scotland is charged with ensuring that our historic environment provides a strong foundation in building a successful future for Scotland. One of its roles is to provide advice about managing change in the historic environment.

Information for designated heritage assets can be downloaded from Historic Environment Scotland's [*spatial data warehouse*](#) or viewed at [*Pastmap*](#).

The Hermitage. An 18th-century picturesque Inventory designed landscape, Perth and Kinross. Both William and Dorothy Wordsworth featured The Hermitage in their writing. Ossian's Hall (pictured) was placed to take advantage of views over the falls, and the sound created by them. These elements also contribute to an appreciation of the nearby woodland walks, and combine to form part of the setting.



Details of listed buildings and advice on the requirement for listed building consent, conservation area consent, building warrants and other permissions/consents should be sought from local authorities.

Most works at monuments scheduled under the Ancient Monuments and Archaeological Areas Act 1979 require scheduled monument consent. Where a structure is both scheduled and listed, the scheduling controls have precedence. Separate advice is available from Historic Environment Scotland's [website](#).

Planning authorities also have their own historic environment records and policies in local development plans and supplementary guidance.

Other sources of information

Mitigation measures in Environmental Impact Assessment (EIA) terms are explained in [Planning Advice Note \(PAN\) 1/2013](#):

Aerial photography and other records of the settings of historic structures or places can be obtained from Historic Environment Scotland, John Sinclair House, 16 Bernard Terrace, Edinburgh, EH8 9NX

Tel: 0131 662 1456,
Fax: 0131 662 1477
Email: info@rcahms.gov.uk
Web: www.historicenvironment.scot

The setting of heritage structures, sites and areas is the subject of the [ICOMOS Xi'an Declaration on the Conservation of the Setting of Heritage Structures, Sites and Areas \(2005\)](#)

Historic Land-use Assessment (HLA)

The HLA, developed by Historic Environment Scotland, is a GIS-based map that depicts the historic origin of land-use patterns, describing them by period, form and function. Its purpose is to enhance our knowledge and understanding of the historic dimension of the landscape and to inform management decisions relating to it. It highlights relict archaeological landscapes, aids understanding of the landscape context of individual sites and helps identify areas where further survey could be useful. It is available [here](#).

Gardens and designed landscapes

The Gardens Trust has [Planning Conservation Advice Notes](#) on Development in the Setting of Historic Designed Landscape (Number 11 2008) and Briefs for Historic Landscape Assessments (Number 13 2008)

Scottish Natural Heritage (SNH) has also produced [landscape guidance](#):

Wind energy development

The Scottish Government has produced [guidance for wind planning applications](#).

SNH has produced a [suite of documents](#) to assist in the process of assessing the potential impacts of wind farm proposals on Scotland's landscapes.

Historic Marine Protected Areas

Guidance is located [here](#).



Balfarg henge and standing stones, Fife. An example of a scheduled monument now surrounded by a 1970s housing development: the two photos show the site before and after redevelopment. Upper image © Crown Copyright: HES. Licensor canmore.org.uk. Lower image © K. Brophy



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