

# Minutes

## Development Management Sub-Committee of the Planning Committee

10.00 am, Wednesday 23 October 2019

### Present:

Councillors Gardiner (Convener), Booth, Cameron (substituting for Councillor Child), Mary Campbell, Gordon, Griffiths, McLellan (substituting for Councillor Mitchell), Mowat, Munn, Osler and Rose.

### 1. Minutes

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To approve the minute of the Development Management Sub-Committee of 9 October 2019 as a correct record.

### 2. General Applications and Miscellaneous Business

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The Sub-Committee considered reports on planning applications listed in Sections 4, 5 and 6 of the agenda for this meeting.

#### Requests for Presentations

None.

#### Decision

To determine the applications as detailed in the Appendix to this minute.

(Reference – reports by the Chief Planning Officer, submitted.)

### 3. 221 Ferry Road Edinburgh EH6 4NN

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At the Development Management Sub-Committee of 11 September 2019, Committee agreed to determine the application for planning permission at 221 Ferry Road, Edinburgh, EH6 4NN, by means of a hearing. Details were provided of the proposed change of use from a Class 7 hotel to a 19-bedroom (maximum 30-person occupancy) house of multiple occupation and associated internal and external alterations (as amended) – application no 19/02722/FUL.

The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the application be granted.

**(a) Report by the Chief Planning Officer**

The application was previously before Committee on 11 September 2019 and was continued for a site visit and a hearing, which took place later in September 2019.

The surrounding area was primarily residential in nature and Victoria Park lay to the north of the property on the other side of Ferry Road. A disused railway line now used as a public open space, lay to the west. The property was a category C listed building and a hotel business with a function hall and public bar operated out of the premises. The public bar was added to the original building at a later date, possibly around 1960s and the function hall was also added at a later date.

When the application came to committee on the 11 September 2019 there were a number of issues discussed including the principle of the development, how it impacted on residential amenity of neighbours, how it affected the listed building in the conservation area and also parking considerations.

The proposal was to form a 19-bedroom house of multiple occupancy, with a maximum occupancy of 30 people. The rear area would be re-organised, so the bin storage was compliant with the requirements of the Council's waste services. The parking was also reduced to comply with current parking standards and the cycle parking was significantly increased to comply with cycle parking standards. On that basis the application was recommended for approval. The alterations to the building were minimal, there were alterations proposed for the rear to where there would be some entrance doors to four of the new bedrooms.

At the site visit, the Committee members had asked about two issues - the concentration of Houses in Multiple Occupation (HMO) in the ward and how the HMO licensing worked in relation to planning permission.

In terms of HMOs, planning permission was only required for the proposed change of use if there were more than five unrelated people living in the property. An HMO licence is required if there are three or more unrelated people living in the property but this is separate from the planning system and the planning use remains as residential if there are five or less unrelated people living in the property.

A search had been done for all applications for planning permission for HMO use in the current Leith Walk ward. Since the current ward was established in May 2017, there had only been one other planning application for HMO use. Between 2006 and 2017, there were three planning applications for HMOs granted. The number of properties with planning permission for HMO use was therefore very small.

HMO licencing was subject to a separate regulatory regime from the planning permission regime. The HMO standards covered a number of factors that included health and safety, whether there were sufficient sanitary facilities etc whereas the planning considerations included whether the principle of the use was acceptable, and any alterations were acceptable. The agent had informed the Chief Planning Officer that the standards required under the HMO licence would be met.

The presentation can be viewed via the link below:

[https://edinburgh.public-i.tv/core/portal/webcast\\_interactive/450021](https://edinburgh.public-i.tv/core/portal/webcast_interactive/450021)

**(b) Neighbouring Resident, Ms Kirstie Hustler**

Ms Hustler had lived next door to the hotel for over 20 years and advised the Sub-Committee that the community was made up of people of different ages, backgrounds, family groups and single people. The community appreciated having the hotel nearby and thought it was a beautiful building that had been well taken care of. The hotel was suitable for families and less mobile neighbours valued the hotel. Whilst events in the function hall could put extra pressure on parking, most residents had attended events there. If local residents had been consulted about the proposed changes, Ms Hustler advised that the community would not have been supportive of a high-density HMO. Converting the hotel into a boutique hotel or five affordable family flats would have been preferable. Planning policy did not necessarily recognise the loss of the hotel as a loss of amenity, but in real terms the reduction of its services, such as not serving meals, had an impact on the community.

Another area of concern was the bike storage area to be situated along two sides of the hotel's plot. Ms Hustler argued the bike storage would force more cars on to the streets and the height and depth of the storage area would restrict light into the neighbour's garden and window.

The scale of the development could also have a detrimental impact on noise, as people would come and go without a closing time limiting these activities. The proposed glass recycling would be directly against the wall of Ms Hustler's property. Currently the hotel disposed of its glass approximately once a day and within the hours stated in the terms of their liquor licence. The proposed development would likely become a constant nuisance with potentially 30 individuals disposing of their own glass at any hour.

Concerns that shared cooking and laundry areas might overload the buildings drainage and ventilation systems and affect the hygiene standards which could encourage vermin. Ms Hustler expressed her concern about the associated risk of fire and recycling refuse. If recycling bins were on site there would be nothing to stop HMO occupants using existing on street bins.

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**(c) Neighbouring Resident, Mr Russell Combe**

Mr Combe lived approximately 200 metres from the Victoria Park Hotel and had hoped the hotel could secure its future while maintaining the character of the area and the facilities to which would be beneficial to the residential neighbours.

Concerns were raised about parking issues in the area and vehicle access from Ferry Road. Residents relied on parking in the narrow streets and side roads and commercial vehicles also parked on the streets and felt it was unrealistic to expect potentially 30 new residents to share five parking spaces. The tight restricted space near the hotel meant that on occasion household rubbish and recycling vehicles were unable to collect waste which led to recycling and waste to pile up. Emergency vehicles could also face difficulties accessing residents' homes if the proposed development was approved.

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**(d) Neighbouring Resident, Ms Fiona McLean**

Ms McLean advised the Sub-Committee that her professional background was in housing and that she had direct experience in HMO licencing having worked for over 10 years in a 20-bed hostel for homeless women. Ms McLean was concerned about a large HMO being planned in an area that was already oversubscribed with similar accommodation. If the proposed development was permitted, Ms McLean believed that the destruction to local amenity and the local environment would be significant.

Concerns were raised that the application had not been assessed within context of the prevailing housing mix. There was no evidence of demand for an HMO of any purpose on this site and local infrastructure was insufficient to support another 30 residents. Medical centres were at capacity and there were no bars, cafes, leisure facilities or convenience stores in the immediate area. In her experience, Ms McLean advised that there was usually a high turnover of people in HMOs which would increase the footfall and transience of the area.

Additional concerns were that there was not a reasonable degree of separation between the hotel premises and Ms McLean's own residence and that this should be taken into consideration by the Sub-Committee.

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**(e) Ward Councillor Lewis Ritchie**

Councillor Lewis Ritchie addressed the Sub-Committee as a member for the Leith Walk Ward.

Councillor Ritchie advised the Sub-Committee that there were a number of material planning considerations that would justify refusing the application, such as Policy Hou 7, Hou 10 and Transport 2.

The change of a hotel to HMO could have a significant detrimental impact on amenity and it was reasonable to assume the proposed development of this scale would have an impact on services, infrastructure and on street parking. The proposed development would also result in the loss of a function hall that was well used by the local community. There was no proposal to replace the facility and there were no similar facilities in the vicinity, and as such, the application should be refused.

Councillor Ritchie urged Committee to take his views in to consideration and the views of the objectors and refuse the application.

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**(f) Applicant and Applicant's Agent**

Mr Davide De Gaetano, applicant, owner and operator of the Victoria Park Hotel, was heard in support of the application.

The hotel was purchased in 2004 and the fabric and reputation of the hotel had changed positively since then. However, Mr De Gaetano stated that the industry was under pressure and made the decision in June 2019 to put the company in to liquidation. The only way to change the fortune of the business was to change the modelling strategy by offering short to medium term self-catering accommodation. The target market would be clients looking to stay between 1 and 5 months. Mr De Gaetano said it would be his intention to have someone on duty to ensure that no anti-social behaviour would be tolerated at the property and prospective tenants would have to sign terms and conditions stating that any ant-social behaviour would result in eviction.

Mr Davide De Gaetano acknowledged the concerns that had been raised about the possibility of the hotel being converted to a hostel. However, the hotel was a Class 7, that covered hotels, hostels and guest houses which meant that planning permission would not be required to convert the hotel to a hostel, only the physical changes externally would require planning permission.

Mr Davide De Gaetano stated he was a responsible operator of a 200-capacity licence venue and would be of a responsible landlord of an HMO property.

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[https://edinburgh.public-i.tv/core/portal/webcast\\_interactive/450021](https://edinburgh.public-i.tv/core/portal/webcast_interactive/450021)

**Decision**

To grant Planning Permission subject to the informatives set out in section 3 of the report by the Chief Planning Officer, an additional informative to look at the arrangements for the collection of waste, particularly the bottle bank, and an additional condition that the detailed designs of the bike shed shall be provided for the further approval of the planning authority prior to the commencement of works.

(Reference – report by the Chief Planning Officer, submitted.)

**4. 120 - 122 Colinton Road, Edinburgh, EH14 1BY**

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Details were provided of proposals for planning permission at 120 - 122 Colinton Road, Edinburgh, EH14 1BY for the erection of a new retail unit and 6 residential units (as amended, reduced to 5 residential flats) – application no 19/01839/FUL. The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the applications be granted.

**Motion**

To grant Planning Permission subject to the conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer.

- moved by Councillor Osler, seconded by Councillor Rose.

**Amendment**

To refuse planning permission as the application was contrary to Local Development Plan Policies Tra 4 and Hou 3.

- moved by Councillor Gardiner, seconded by Councillor Booth.

### **Voting**

For the motion: - 6 votes

(Councillors Griffiths, McLellan, Mowat, Munn, Osler and Rose)

For the amendment: - 5 votes

(Councillors Booth, Cameron, Mary Campbell, Gardiner and Gordon)

### **Decision**

To grant Planning Permission subject to the conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer.

(Reference – report by the Chief Planning Officer, submitted.)

## Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
<p><a href="#"><u>Item 4.1 - Mortonhall Park Gardens, Edinburgh (Land 200M South Of)</u></a></p>	<p>Forthcoming application by Barratt &amp; David Wilson Homes &amp; Trustees Catchelraw for Planning permission in principle for residential-led development with associated roads, landscaping and open space - application no 19/04172/PAN</p>	<p>To note the key issues at this stage.</p>
<p><a href="#"><u>Item 4.2 - 2 Gilmore Park, Edinburgh</u></a></p>	<p>Application to Discharge section 75 Planning Obligations (Ref 15/03129/FUL) without payment of the required tram contribution - application no 19/04016/OBL</p>	<p>To <b>REJECT</b> the application to Discharge Section 75 Planning Obligations without payment of the required tram contribution for the reasons detailed in the report by the Chief Planning Officer.</p>
<p><a href="#"><u>Item 4.3 - Saltire Street, Edinburgh (At Land 80 Metres West and East Of)</u></a></p>	<p>Application under Section 42 of the Planning Act for the removal of condition 2 of planning consent ref 17/02477/FUL (noise protection measures) from the approved decision notice. - application no 19/03245/FUL</p>	<p>To <b>GRANT</b> Planning Permission subject to the conditions, reasons, informatives and a legal agreement set out in section 3 of the report by the Chief Planning Officer.</p>
<p><a href="#"><u>Item 4.4 - 4 Sandpiper Drive, Edinburgh (Land To The North East Of)</u></a></p>	<p>Erection of 40 Residential Units and Ancillary Development - application no 19/00915/AMC</p>	<p>To <b>APPROVE</b> Matters Specified in Conditions subject to the conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<a href="#"><u>Item 5.1 - 120 - 122 Colinton Road, Edinburgh, EH14 1BY</u></a>	Erection of a new retail unit and 6 residential units (as amended, reduced to 5 residential flats) - application no 19/01839/FUL	To <b>GRANT</b> Planning Permission subject to the conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer.  (On a division)
<a href="#"><u>Item 6.1 - 221 Ferry Road Edinburgh EH6 4NN</u></a>	Protocol Note by the Head of Strategy and Communications – application no 19/02722/FUL	Noted.
<a href="#"><u>Item 6.2 - 221 Ferry Road Edinburgh EH6 4NN</u></a>	Proposed change of use from Class 7 hotel to 19 bedroom (maximum 30 person occupancy) house of multiple occupation and associated internal and external alterations (as amended) - application no 19/02722/FUL	To <b>GRANT</b> Planning Permission subject to the informatives set out in section 3 of the report by the Chief Planning Officer, an additional informative to look at the arrangements for the collection of waste, particularly the bottle bank, and an additional condition that the detailed designs of the bike shed shall be provided for the further approval of the planning authority prior to the commencement of works.