

Development Management Sub Committee

Wednesday 31 July 2019

**Application for Planning Permission 19/00653/FUL
At 2 - 3 Hermitage Place, Edinburgh, EH6 8AF
Erect new 2 storey building on land at rear of hotel as
ancillary accommodation for the hotel.**

Item number

Report number

Wards

B13 - Leith

Summary

The proposal complies with the development plan. The proposal is acceptable in this location, will preserve the character and appearance of the conservation area and will have no detrimental impact on the setting of listed buildings, residential amenity, or traffic and road safety, There are no other planning considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDES01, LDES04, LDES05, LDES06, LEN03, LEN06, LEN09, LEN21, LEMP10, LHOU07, LTRA02, LTRA03, LTRA04, NSG, NSLBCA, NSGD02, OTH, CRPLEI,

Report

Application for Planning Permission 19/00653/FUL At 2 - 3 Hermitage Place, Edinburgh, EH6 8AF Erect new 2 storey building on land at rear of hotel as ancillary accommodation for the hotel.

Recommendations

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

Background

2.1 Site description

The application relates to land to the rear of a hotel at 2-3 Hermitage Place. The site is on the corner of Burns Street and Somerset Place and is currently surfaced with gravel. There is vehicular access to the rear of the hotel over this area of land and there are boundary walls between the land proposed to be built on and the garden/amenity area of the hotel. A garage structure in the rear garden of 1 Hermitage Place lies to the north of the site, accessed off Somerset Place.

The site is on the north side of Burns Street. On the opposite side of the street is four storey council housing with garages at street level. On the other side of Somerset Place is colonies housing. Immediately to the west of the site is a large extension to the Links Medical Centre at 5 Hermitage Place. Further to the east are an ad hoc collection of garages housed in mews-like traditional stone built buildings.

There are currently six vehicular spaces on the gravelled part of the site that is proposed to be built on. This is not designated open space.

2-3 Hermitage Place were B listed on 14 December 1970 (ref. 26882).

This application site is located within the Leith Conservation Area.

2.2 Site History

17 March 2017 - An application for change of use from open public space to private space and the erection of 2m timber fence and placement of container in grounds to the rear of Merith House Hotel (in retrospect) is refused and enforced (application ref. no 16/05624/FUL).

22 May 2017 - Enforcement enquiry into unauthorised shipping container, caravan and timber fence closed and no further action taken upon the removal of the container and caravan and reduced height of fence (case ref. no 16/00432/EOPDEV).

Main report

3.1 Description Of The Proposal

The application is for an ancillary building to the existing hotel at 2-3 Hermitage Place that would be built on the southernmost section of the site on the area of gravel facing Burns Street. The existing brick wall which encloses the rear area will be removed as part of the proposed works.

The development would be a two storey mews structure that would accommodate ten bedrooms with ensuite facilities. The structure would be ashlar stone with a pitched slate roof and aluminium windows. A pend would lead to the rear amenity area of the hotel and this would be gated with timber doors.

The six vehicle spaces that are currently on this site will be lost, and no vehicular parking spaces are proposed. Ten covered cycle spaces are proposed in a secure location within the rear garden of the hotel.

As part of this application the following documents have been submitted which are available to view on the Planning and Building Standard's Online Services:

- Flood Risk Assessment

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, the Committee needs to consider whether:

- a) the principle of the development is acceptable in this location;
- b) the proposals will preserve or enhance the character and appearance of the conservation area:
- c) the proposals will impact on the setting of listed buildings;
- d) the proposals are of an appropriate scale, form, and design;
- e) the proposals will result in an unreasonable level of neighbouring residential amenity;
- f) the proposals will result in an adequate level of amenity for the future occupiers of the development;
- g) the proposals will have any traffic or road safety issues;
- h) the proposals will have detrimental impact on flooding issues;
- i) there are any other material considerations; and
- j) any comments raised have been addressed.

a) Principle of the Development in this Location

The proposals are for an increase in accommodation to the existing hotel use at 2-3 Hermitage Place.

Policy Emp 10 of the Local Development Plan relates to hotel development. Hotel development will be encouraged in locations with good transport links to the city centre. The site is located near bus routes on Easter Road, Lochend Road and Leith Walk.

The hotel use is already established and the principle of ancillary accommodation in the form of ten additional bedrooms is acceptable subject to compliance with the points addressed below.

Neighbours are concerned about the possible housing of homeless people within the building. However, the nature of the people using the hotel facilities is not a matter for planning control. The current hotel could provide for homeless people without any planning restrictions.

b) The Impact on the Character and Appearance of the Conservation Area

Policy Env 6 Conservation Areas- Development of the LDP 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 character appraisal.

The Leith Conservation Area Character Appraisal states that *Leith provides an excellent example of a small 19th century provincial town containing architecture which displays a rightness and fitness of scale (grand but not intimidating) and uniformly high quality of materials, detailing and design which have a unique significance in the context of Scottish architectural history.*

Burns Street presents a diverse collection of building types, from the five storey social housing on the south side of the street to stone and brick structures, many of them garages, on the north side of the street. A mews like structure of appropriate scale would not be discordant in this location. The proposals are for a traditionally designed structure of stone with pitched, slate clad roof. Although there are variety of building heights in the street, the scale of the proposed building is that of a mews building and is not dissimilar to the three structures immediately to the west. This would not be out of place in this particular location and would preserve the character and appearance of the conservation area as a whole.

The proposals comply with Policy Env 6

c) The Impact on the Setting of the Listed Buildings

Policy Env 3 - Listed Buildings - Setting relates to development that impacts on the character, appearance and interest of a listed building and its setting.

The proposed building will be at the end of a large garden/amenity area to the rear of the main listed building and will relate to Burns Street more than the listed building. As many of the gardens to this terrace have some sort of garage or mews structure at their end, this structure will not be inappropriate or harmful to the setting of the listed building.

The proposals comply with Policy Env 3.

d) Scale, Form and 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

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 lane contains a variety of types and sizes of buildings. The proposed design of the mews style buildings is of an appropriate scale, massing and materials for the lane. The colonies housing on Somerset Place are two storey with an attic and the proposed building will not be dissimilar in scale to them.

The proposals are of an appropriate design and scale in respect to their context and setting. The proposals comply with Policies Des 1 and Des 4.

e) Neighbouring Amenity

Policy Des 5 - Development Design relates in part to the impact of a development on the amenity of neighbouring residents.

The existing dwellings on the other side of Burns Street are approximately 13m from the face of the proposed buildings and have no habitable rooms at ground floor level. Therefore there will not be any issues of loss of light to windows. The approximately 13m distance between windows at upper levels is acceptable in terms of privacy given that the existing dwellings are set within a dense urban environment with developed back lanes.

There are windows on the north elevation where they overlook the applicants own garden. However, there are no windows that immediately overlook the garden at no. 1 Hermitage Place. Although there may be an element of sideways overlooking into the neighbour's garden, this would be no more significant than what already exists from the hotel.

The building to the west along the Burns Street is part of a doctor's surgery and there are other non-residential uses along Burns Street. Therefore there are no issues of residential amenity with respect to these properties.

Although some of the neighbours on Somerset Place have objected to the proposal on the ground of overlooking and overshadowing, these colonies residents are across the street and set back behind their own gardens. The proposals will not impact on their light or privacy.

There will be no adverse impact on neighbouring residential amenity and the proposals comply with Policy Des 5.

f) Amenity of Future Occupiers

Policy Des 5 - Development Design also relates in part to the amenity of future occupiers.

As the proposed occupiers will be hotel guests, the standards required of residential properties do not apply and are not controlled by the planning process.

g) Traffic or Road Safety Issues

Policies Tra 2, 3, and 4 relate to the design and provision of cycle and vehicular parking. The Edinburgh Design Guidance contains the parking standards.

There is space for six vehicular spaces in the current space where the proposed building would be located and these will not be replaced. However, ten covered cycle spaces are to be placed in the rear garden of the hotel behind a secure gate. The proposals comply with the parking standards in the Edinburgh Design Guidance.

There will be no adverse impact on traffic and road safety. The proposals comply with Policies Tra 2, 3, and 4.

h) Flooding Issues

Policy Env 21 relates to flood protection. The applicant has submitted information that confirms that the development will not cause any additional risk of flooding or be at risk of flooding itself.

i) Other material considerations

Policy Env 9 relates to the protection of archaeological remains.

The potential of the site to have archaeological remains will be monitored by an attached condition requiring a programme of archaeological investigation. Subject to compliance, there will no adverse impact on archaeological remains.

j) Public Comments

Material objections

- The potential use of the building for housing homeless people. This is addressed in section 3.3.a).
- Not in character with area. Materials and footprint inappropriate. This is addressed in section 3.3.b).
- Design. This is addressed in section 3.3.d).
- Loss of privacy. This is addressed in section 3.3.e).
- Amenity of the future occupiers. This is addressed in section 3.3.f).
- Traffic and parking. This is addressed in section 3.3.g).
- Archaeology. Site of the Siege of Leith, This is addressed in section 3.3.i).

Non-material objections

- Disruption due to the construction work. This is a matter for the applicant and contractor.
- Views from properties. Private views are not protected.
- Impact on buttresses of neighbour's garden wall. This is a structural issue outwith Planning's control.
- Smoking and litter from hotel guests. This cannot be controlled by Planning.

Material Support Comments

- The development would improve the appearance of the street. This is addressed in section 3.3.b).

Conclusion

In conclusion, the proposal complies with the Development Plan. The proposal is acceptable in this location, will preserve the character and appearance of the conservation area and will have no detrimental impact on the setting of listed buildings, residential amenity, or traffic and road safety, There are no other planning considerations which outweigh this conclusion and approval is recommended.

The recommendation is subject to conditions on archaeology and materials.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
2. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.

Reasons:-

1. In order to safeguard the interests of archaeological heritage.
2. In order to enable the planning authority to consider this/these matter/s in detail.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

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

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 22 February 2019. There have been ten objection comments from local neighbours and one support comment.

A full assessment of the representations can be found in the main report in the Assessment section.

Background reading/external references

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

- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

Date registered 11 February 2019

Drawing numbers/Scheme 1-2, 3c, 4b, 5b, 6-8,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

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

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

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

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

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

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

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.

Relevant Non-Statutory Guidelines

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

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

Appendix 1

Application for Planning Permission 19/00653/FUL At 2 - 3 Hermitage Place, Edinburgh, EH6 8AF Erect new 2 storey building on land at rear of hotel as ancillary accommodation for the hotel.

Consultations

Archaeology

I would like to make the following comments and recommendations concerning the above planning application for the erection of a new 2 storey building on land at rear of hotel as ancillary accommodation for the hotel.

The site lies on the South side of Leith Links, immediately to the north of the suspected site of Pelham's Mount (see fig 1), one of two large English siege forts constructed for the 1559-60 siege of Leith. The contemporary accounts and Petworth map show that these forts were linked to a range of siege trenches (akin to the Western front of WWI) which encircled Leith. Such remains are some of the earliest of such military fortifications in the UK and are considered to be of national importance. The site also overlies the site of possible muse/ outbuildings dating the construction of the Hermitage Place c.1810's as part of development of the grounds of the former mid-18th century Hermitage House which stood to the East.

Based on the historical and archaeological evidence the site has been identified as occurring within an area of archaeological potential. Accordingly, this application must be considered under the 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 also CEC's Edinburgh Local Development Plan (2016) Policies ENV8 & 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 development will require ground breaking works which have the potential for disturbing significant deposits relating to the 1559-60 siege fortification's including potential evidence for Mount Pelham. However, it is considered that although potentially significant the overall impact of this scheme is regarded as moderate in terms of disturbing insitu remains. It is essential therefore that a programme of archaeological work is undertaken prior to development with any significant remains uncovered fully excavated, recorded, analysed and published.

It is recommended that the following condition is attached if consent is 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, publication) 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.

Transport

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

- 1. The applicant should be required to provide a minimum of 1 cycle parking space in a secure and undercover location;*
- 2. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;*
- 3. Accessible parking spaces should be considered with this development, these spaces should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;*
- 4. 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.*

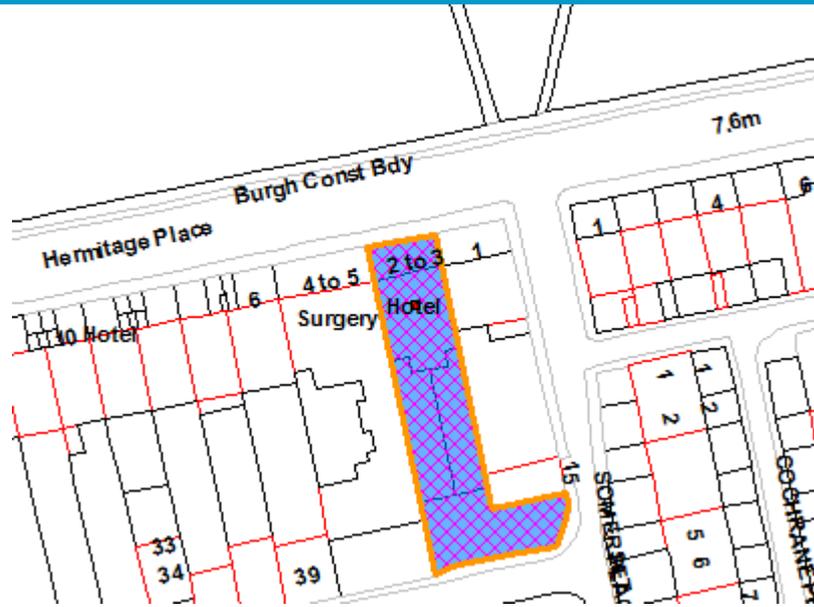
Note:

The site currently has approximately 6 parking spaces which will be removed as part of this application. Given the availability of on-street parking on Hermitage Place (Leith Links), this is considered acceptable under the 2017 parking standards.

Flooding

I have reviewed the further information you have provided and am satisfied that this can proceed to determination with no further comment from Flood Prevention. I have cc'd Barbara, the planning case officer, directly.

Location Plan



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