

Development Management Sub Committee

Wednesday 17 March 2021

**Application for Planning Permission 20/04410/FUL
at Drylaw House, 32 Groathill Road North, Edinburgh.
Change of use from Class 9 (domestic) to Class 7 (hotel).**

Item number

Report number

Wards

B05 - Inverleith

Summary

The change of use of the building from residential to a hotel is acceptable in principle and will not harm the special interest of the listed building. It will not result in an unreasonable loss of amenity for neighbouring residential properties or raise any transport concerns. The proposal complies with the adopted Edinburgh Local Development Plan and associated guidance. There are no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LEN03, LEN04, LEN18, LEN12, LEMP10, LHOU07, LTRA02, LTRA03, LTRA04, NSG, NSBUS, HES, HESSET, HESUSE,

Report

Application for Planning Permission 20/04410/FUL at Drylaw House, 32 Groathill Road North, Edinburgh. Change of use from Class 9 (domestic) to Class 7 (hotel).

Recommendations

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

Background

2.1 Site description

The application site relates to Drylaw House, No. 32 Groathill Road North, Edinburgh.

Drylaw House was constructed in 1718. It is a substantial 2 storey, 15 bedroom, category A listed building set in large wooded grounds with its own private access off Groathill Road. More modern residential properties have been constructed around the grounds of the House.

The west elevation of the house is unaltered with 6 windows and a central door. It has a big piended roof with twin chimneys. The front of the building facing east was remodelled in the late 18th century. Drylaw House also has a notable interior.

The building was listed on 27 October 1965. LB reference 28060

2.2 Site History

28 January 2020- Listed building consent granted for proposed installation of partitions to form two en-suite rooms with associated sanitary provision installations for each room formed (in retrospect) (Application reference: 19/05683/LBC.)

Main report

3.1 Description of the Proposal

The application is for planning permission for the change of use of the property from a class 9 (Residential Building) to a class 7 (Hotel). The hotel will have 15 rooms, a staffed check-in lounge, a dining room in which meals will be served and a duty manager's room.

Previous scheme

Originally the applicant applied for a change of use from class 9 (Residential Building) to class 7 (hotels and hostels) and short-term self- catering accommodation (Sui Generis).

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.

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 proposed change of use is acceptable in this location;
- b) the development has special regard to the desirability of preserving the listed building, its setting or any features of special architectural or historic interest;
- c) the proposal will materially impact on residential amenity;
- d) the proposal raises any road or pedestrian safety concerns and the development meets car and cycle parking standards;
- e) other material considerations have been addressed and
- f) public comments raised have been addressed.

a) Change of use

Adopted Edinburgh Local Development Plan (LDP) policy Emp 10 -(Hotel Development) states that hotel development will be permitted in locations within the urban area with good public transport access to the city centre.

Paragraph 220 of the LDP states that tourism is the third biggest source of employment in Edinburgh, providing jobs for over 31,000 people. Maintaining and developing this key sector in the city's economy relies upon sufficient provision of high-quality tourist accommodation.

The site is well served by public transport access to the City Centre. There is a stop for the No. 24 bus just outside the site, whilst other bus services are available within walking distance on Ferry Road and Telford Road.

It is noted that in recent years with the increase in short term lets many hotels have either been converted to other uses or have closed. The proposed change of use of Drylaw House to hotel accommodation will provide high quality tourist accommodation and will help one of Edinburgh's key economic sectors.

The principle of the change of use of Drylaw House to a hotel is acceptable. The proposal complies with LDP policy Emp 10.

b) Impact on the Listed Building

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 (HES) Guidance Notes on Managing Change in the Historic Environment: Use and Adaptation of Listed Buildings states; *"For a building to stay in use over the long term, change will be necessary. This reflects changes over time in how we use our buildings and what we expect of them. This should always be considered carefully and avoid harming the building's special interest. A building's long-term future is at risk when it becomes hard to alter and adapt it when needed. Proposals that keep buildings in use, or bring them back into use, should be supported as long as they do the least possible harm. New uses may enable us to retain much of the fabric and special interest of a building, but they will always have an impact on its intangible value. The process of conversion will have some impact on a building's special interest, regardless of how well it is handled. The continued use of a listed building for its original function will normally be the best way to retain its historic character"*.

LDP Policy Env 4, (Listed Buildings - Alterations and Extensions), permits alterations to listed buildings when they are justified, in keeping with its character and can be undertaken without damage to historic structures or diminution of interest.

No external or internal alterations are proposed to the listed building. Whilst it is acknowledged that the use of the building will change from residential to a hotel, the change will not have a material impact on the special interest of the listed building and secures its future use.

HES was consulted as part of the assessment of the application. It confirmed that it had no objections.

The proposal complies with LDP Policy Env 4 and the HES Managing Change in the Historic Environment guidance notes.

c) Residential amenity

LDP policy Hou 7- (Inappropriate Uses in Residential Areas) states that developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted.

The application site has its own private access and the building is set back from the surrounding residential properties. However, it is noted that many of the surrounding properties rear gardens back directly onto the grounds of Drylaw House and in the past there have been complaints relating to noise and disruption from the site. Many of the objections made to this application relate to noise and disruption concerns. However, the building has not previously been utilised as a hotel, which is now proposed. The proposed hotel will have a staffed check-in, a manager with their own room, and CCTV within the building.

No extensions or alterations to the existing building are proposed. Drylaw House is a large property with substantial garden grounds. The privacy distances between the House, its grounds and that of the surrounding properties is long established. It is also acknowledged that the property has stone boundary walls/fencing and numerous trees along the mutual boundaries which provide a degree of screening.

Environmental Protection was consulted as part of the assessment of the application and it stated that it had no objections to the proposal as there are many hotels which are sited within close proximity of neighbouring residential properties and they do not cause any impact on residential amenity.

It is recommended that a condition be applied to the consent restricting the use of the site to a hotel within planning use class 7. This should further protect the amenity of surrounding residential properties.

The proposal complies with LDP policy Hou 7.

d) Road/Pedestrian Safety and Parking Provision

LDP Policy Tra 2- (Private Car Parking) and LDP Policy Tra 3- (Private Cycle Parking), state that planning permission will be granted for development where proposed car and cycle parking provision complies with and does not exceed the parking levels set out in the Non-statutory Edinburgh Design Guidance. LDP policy Tra 4 -(Design of Off-Street Car and Cycle Parking) states that where off street car parking is required or considered to be acceptable, certain design considerations will be taken into account.

The property has its own private access which is long established. No alterations to the entrance to the site or existing parking layout are proposed. Whilst the access to the site may be busier when the property is utilised as a hotel, the hotel will only have 15 rooms. There will not be a significant amount of traffic entering or exiting the site during the course of a day. Vehicles entering the site off Groathill Road should be expected to slow to get through the narrow entrance to the property and when exiting the site to slow as they approach the main road. However, the planning service cannot control the behaviour of road users.

The grounds of the site are expansive and there are currently parking spaces within the property's grounds for cars or motor bikes. There is ample space within the hotel itself or within the hotel grounds for the storage of bikes for visitors to navigate the city. As previously discussed, the property is also within walking distance of local bus routes.

The proposal complies with LDP Policy Tra 2, Tra 3 and Tra 4.

e) Other material considerations

Trees

The application site falls within a defined Tree Preservation Order (TPO) zone (TPO 105).

LDP policy Env 12 (Trees) states that development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order unless for good arboricultural reasons.

The applicant has confirmed that no works to the trees within the site are proposed. The application complies with LDP Policy Env 12.

Open Space Protection

LDP policy Env 18 (Open Space Protection) aims to protect all open spaces, both public and privately owned, that contribute to the amenity of their surroundings and the city, provide or are capable of providing for the recreational needs of residents and visitors or are an integral part of the city's landscape and townscape character and biodiversity.

The site also falls within a defined open space protection area. There is no development proposed within the gardens of the site. The open space will continue to contribute to the city's landscape, biodiversity and the recreational needs of visitors. The property's large garden could be utilised just as fully by residential owners as by future hotel visitors. Anyone sensibly utilising the garden for recreational purposes will not harm or disturb any wildlife which is present within the garden grounds. The application complies with LDP policy Env 18.

f) Representations

Material Comments - Objections

- Concerns relating to loss of privacy. Further fencing should be constructed around the site. This is addressed in section 3.3 c.
- Concerns relating to noise and disturbance, proposed development not suitable in a residential area, development not in compliance with LDP policy Hou7. This has been addressed in section 3.3 c.

- Hotels are not a suitable use in a residential area, development not in compliance with LDP policy Emp 10. This has been addressed in section 3.3 a.
- Concerns relating to traffic generation, parking and road and pedestrian safety. This has been addressed in section 3.3 d.
- Impact on the character and history of the Listed Building. This has been addressed in section 3.3 b.
- The proposal will harm wildlife within the site. This is addressed in section 3.3e.
- Lack of information has been provided about numbers of residents expected. A floor plan highlighting the number of rooms proposed has been submitted.
- Applicant has an enforcement complaint ongoing about the proposal. The application has been submitted in order to regularise the use.
- Impact on local infrastructure. No required developer contributions have been identified.

Non Material Comments - Objections

- Impact on house prices. This is not a material planning consideration.
- Concerns about future use of the property as an Air BnB or party flat. This is not what has been applied for. The applicant has applied for the property to be utilised as a hotel.
- The proposal will bring unwanted visitors. This is not a material planning consideration.
- There are too many hotels/short term lets. This is not a material planning consideration.
- The proposal could have an alcohol license. This will have to be applied for from licensing.
- The property has been rented out during Covid 19 restrictions. This is not a material planning consideration.

Conclusion

The change of use of the building from residential to a hotel is acceptable in principle and will not harm the special interest of the listed building. It will not result in an unreasonable loss of amenity for neighbouring residential properties or raise any transport concerns. The proposal complies with the adopted Edinburgh Local Development Plan and associated guidance. There are no material considerations that outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions :-

1. The use of this building shall be restricted to hotel use only within class 7 of The Town and Country Planning (Use Classes) (Scotland) Order 1997.

Reasons:-

1. In the interests of residential amenity.

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.

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 meets the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application received nineteen objection comments. The points raised are addressed in section 3.3 of this report.

Background reading/external references

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

Statutory Development

Plan Provision

Date registered 21 October 2020

Drawing numbers/Scheme 01, 02,

Scheme 2

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PLACE

The City of Edinburgh Council

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

LDP Policy Env 18 (Open Space Protection) sets criteria for assessing the loss of open space.

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

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 '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.

Relevant Government Guidance on Historic Environment.

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.

Managing Change in the Historic Environment: Use and Adaptation of Listed Buildings sets out Government guidance on the principles that apply to enable the use, the reuse and adaptation of listed buildings.

Appendix 1

Application for Planning Permission 20/04410/FUL At Drylaw House, 32 Groathill Road North, Edinburgh Change of use from Class 9 (domestic) to Class 7 (hotel)

Consultations

Archaeology

"Further to your consultation request I would like to make the following comments and recommendations concerning this application for the change of use from Class 9 (domestic) to Class 7 (hotel and hostel) including short-term self-catering accommodation.

The application concerns the A-listed early-18th century Drylaw House, a building and site of archaeological and national historic interest. Given that no physical impacts are proposed by this change of use application, it has been concluded that there are no, known, archaeological implications regarding it".

Environmental Protection

"I refer to the above and would advise that Environmental Protection has no objections to the proposed development.

The application proposes the change of use of a residential property to a hotel and short term let self-catering accommodation. The property sits in extensive walled grounds however residential properties are situated around 36 metres away.

Environmental Protection has little concerns in relation to the premises being run as a hotel. The city has many hotels which operate without impact upon residential amenity within residential areas. The applicant has confirmed that the premises, when run as a hotel, will have 24-hour staff presence on site and so any noise or disturbance associated with the hotel operations can be addressed quickly.

The Council has received noise complaints from short term lets in the past as they generally do not include a 24-hour staff presence. Short term letting noise issues regularly comes down to how well the premises are being managed. The applicant has advised that they have strict terms of lease which include financial recourse should noise complaints be received and intend to deal with any noise issues in this manner. They also have CCTV in the grounds to monitor for any antisocial behaviour. Whilst Environmental Protection have no complaints of noise on record from the premises (whilst run as a short term let), it is understood that the Police have had to deal with noise issues on site.

It is understood that the Scottish Government are presently undertaking a consultation on how best to address the issues stemming from short term lets. In this regard it is

expected that short term lets will be regulated by way of a licencing scheme. Should this occur then noise issues are best addressed in that manner as the premises' operators will be required to join the scheme. Until then, under the existing residential use class, the applicant can use the premises as a short term let anyway (e.g. Airbnb) without further planning consents being sought.

Therefore, Environmental Protection offers no objection to the application"

Historic Environment Scotland

Our Advice

In relation to your further consultation concerning Drylaw House, an early-eighteenth century mansion with a notable interior, we note the current intention is to retain the plan-form without any substantial change. We also now have a set of existing plans.

Whilst we welcome that no changes are currently proposed, from experience we would expect a future intensification of the accommodation for guests, in particular the provision of en-suites for bedrooms e.g. currently there are a large number of bedrooms without en-suites or direct access to a bathroom/WC.

It is also likely that any change of use could legally require additional works to meet current building standards e.g. fire doors, window guards, improvements to means of escape etc.

These works could have an adverse impact on the historic building.

We would therefore suggest the change of use is likely to impact adversely on the listed building, but that harm wouldn't necessarily be significant, and might be controlled through the LBC process. Further details of any necessary works could usefully be provided.

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 development affecting the historic environment, together with related policy guidance.

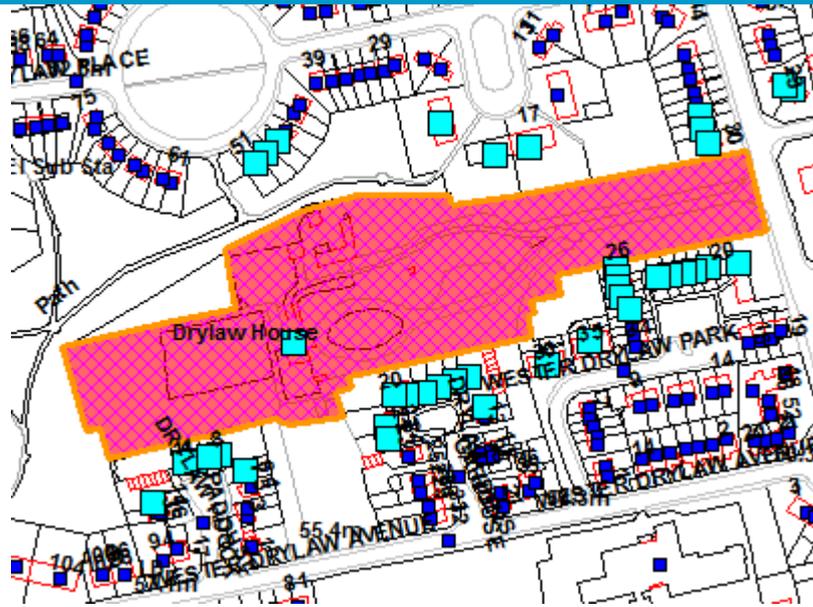
Police Scotland

No response.

Roads Authority

No response.

Location Plan



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