

Development Management Sub Committee

Wednesday 21 April 2021

**Application for Listed Building Consent 20/04316/LBC
at 14 - 15 Minto Street, Edinburgh, EH9 1RQ.
Formation of new hotel bedrooms in the rear grounds of 14
Minto Street.**

Item number

Report number

Wards

B15 - Southside/Newington

Summary

The proposal will not detract from the special architectural and historic interest of the listed building nor harm its setting and conforms with section 59 of the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997. The proposal will preserve the character and appearance of the conservation area. The proposal complies with policies Env 4, Env 3 and Env 6.

Links

[Policies and guidance for this application](#)

LDPP, LEN03, LEN06, NSG, NSLBCA, OTH, CRPBLA, HES, HESBND, HESSET, HEPS,

Report

Application for Listed Building Consent 20/04316/LBC at 14 - 15 Minto Street, Edinburgh, EH9 1RQ. Formation of new hotel bedrooms in the rear grounds of 14 Minto Street.

Recommendations

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

28 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5 September 2019 - application withdrawn to construct a two storey extension to the rear of the property to incorporate additional guest accommodation.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5 September 2019 - application withdrawn to construct a two storey extension to the rear of the property to incorporate additional guest accommodation.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); and

9 October 2020 - planning permission application received for formation of new hotel bedrooms in the rear grounds of 14 Minto Street (application number 20/04317/FUL).

Main Report

3.1 Description Of The Proposal

Formation of new hotel bedrooms in a separate building in the rear grounds of 14 Minto Street is proposed.

The proposed building will be located in the south east part of the rear garden of number 14. It will incorporate the existing stone boundary wall between numbers 14 and 15 Minto Street which is included in the listing for the application property. The building will be two storey with the upper storey in the form of a mansard roof. Dormers will be installed on the front (north west) roof plane and rooflights will be installed on the rear (south east) roof plane. An external cycle store will be attached to the proposed building.

Parking will be provided for five vehicles and nine bicycles. The existing access will be retained and a turning head area will provided within the rear garden.

Materials on the elevations will be coursed rubble natural stone and ashlar. The roof will be natural slate on the pitch with a raised seam lead platform. Window, door frames and the cycle store will be timber. Parking will be porous pavements with grass area.

3.2 Determining Issues

Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

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.

In determining applications for listed building consent, the Development Plan is not a statutory test. However the policies of the Local Development Plan (LDP) inform the assessment of the proposals and are a material consideration.

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) The proposal preserves the character of the listed building and its setting;
- b) The proposal preserves or enhances the character and appearance of the Blacket Conservation Area and
- c) Any public comments have been addressed.

a) Listed Building and 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 the proposals should not result in the removal of the B-listed dividing wall between Nos.14 and 15, as the wall is an important reminder of the property boundaries between the former houses in this Georgian suburb, and that any further breaches in the boundary with Blacket Avenue should be resisted.

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, therefore, 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 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 will be set sufficiently back from the listed building and will sit lower than the height of the listed villa. Its scale will be smaller than the villa and, thus, it will not detract from the special architectural or historical interest of the building. The current rear setting is dominated by a parking area with chipped stones. The original setting has been compromised by this parking area, which takes up nearly half of the garden area. The proposal includes a more formal parking arrangement in a different layout and grass/soft landscaping areas will be provided. Given the existing composition of the rear garden area, the proposed site layout will preserve the special features and character of the listed building and its setting. The proposed building is also sufficiently set back from the setting of number 15 and will not detract from the villa's special historical and architectural interest and appearance.

The design of the new building is assessed under the associated application for planning permission.

The proposal will not detract from the special architectural and historic interest of the listed building nor harm its setting and conforms with section 59 of the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997. The proposal complies with policies Env 4 Listed Buildings (Alterations and Extensions) and LDP Policy Env 3 (Listed Buildings - Setting).

b) 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.

The site 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 some private views. Its mews style design using mainly traditional materials will sit comfortably within the plot. Therefore, the impact on the appearance of the conservation area will be limited.

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 proposed building will sit comfortably within such a pattern of rear garden ground and will not detract from the existing spatial pattern to the rear of the villas fronting Minto Street.

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 harm the character and appearance of the conservation area and conforms to the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997. The proposal complies with policy Env 6 (Conservation Areas - Development).

c) Public Comments

Material Objections

- disrupt rear façade and grounds of listed building; overdevelopment; crowds/obscures house. Addressed in 3.3a).
- amount of plot covered by buildings. Addressed in 3.3a).
- overbearing roof design and dominating dormers. Addressed in 3.3a).
- development of previously undeveloped garden ground. Addressed in 3.3a).
- assess in context of number 14 only. Addressed in 3.3a).
- interrupt sequence of gardens. Addressed in 3.3b).
- damage villa/listed building context and setting. Addressed in 3.3a).
- lack of contextual drawings or visualisation - sufficient information has been provided for consideration of the application in line with legislation/regulations.

Non-material Objections

- pre-application advice - this is not a material consideration in the statutory planning process.
- expansion of hotel use - this is not material to the listed building application.
- parking provision - this is considered in parallel application 20/04317/FUL.
- access to site and increase use of access - this is considered in parallel application 20/04317/FUL.
- loss of amenity, e.g. noise, loss of daylight and privacy - will be considered in parallel application 20/04317/FUL.
- contrary to policy Des 4 (Development Design - impact on Setting) - this is considered in parallel application 20/04317/FUL.
- future development or change of use - only the application proposed can be assessed.
- construction/building work - this is not a material planning consideration.

Support - material comments

- in line with characteristics of the area.

Support - non-material comments

- supporting local business.

Conclusion

The proposal will not detract from the special architectural and historic interest of the listed building nor harm its setting and conforms with section 59 of the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997. The proposal will preserve the character and appearance of the conservation area. The proposal complies with policies Env 4, Env 3 and Env 6.

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

3.4 Conditions/reasons/informatives

Informatives

It should be noted that:

1. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

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 23 October 2020. Seven comments have been received with six being objections and one in support.

Background reading/external references

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

Statutory Development

Plan Provision

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

Date registered

9 October 2020

Drawing numbers/Scheme

01-04.,

Scheme 1

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 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.

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.

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.

The Historic Environment Policy for Scotland 2019 outlines Government policy on how we should care for the historic environment when taking planning decisions.

Appendix 1

Application for Listed Building Consent 20/04316/LBC At 14 - 15 Minto Street, Edinburgh, EH9 1RQ Formation of new hotel bedrooms in the rear grounds of 14 Minto Street.

Consultations

Historic Environment Scotland

Thank you for your consultation which we received on 15 October 2020. The proposals affect the following:

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

Our Advice

The revised drawings now site the proposed new units within the garden space of No.14 Minto Street, unattached to the frontage B-listed buildings. Whilst we would not have a locus on assessing the setting of a B-listed building, we note that the proposals are likely to involve the removal of the original stone dividing wall between Nos.14 & 15. It may also - the drawings aren't detailed enough - involve the loss of walling facing Blasket Avenue.

We would advise that any proposals should not result in the removal of the B-listed dividing wall between Nos.14 and 15. The wall is an important reminder of the property boundaries between the former houses in this Georgian suburb. We would also advise that any further breaches in the boundary with Blasket Avenue should be resisted.

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.englished.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.

Archaeologist

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.

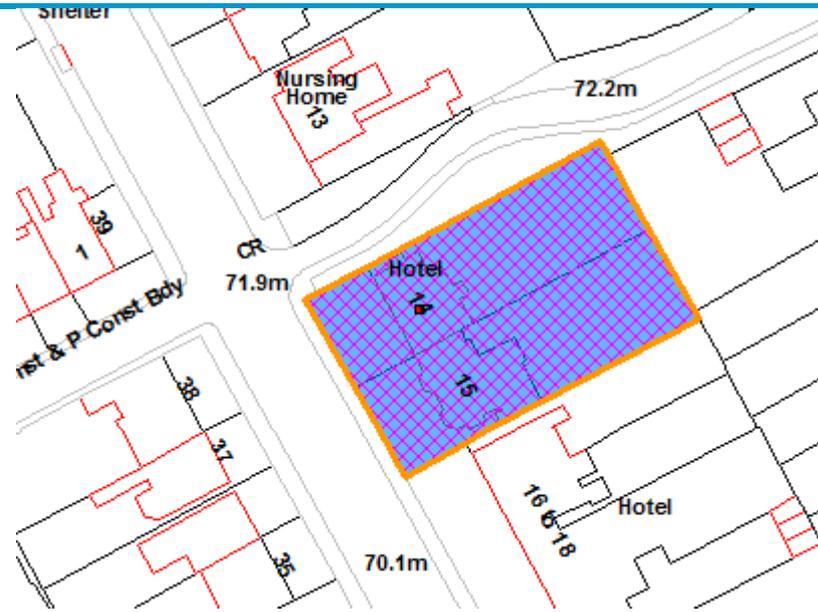
The proposals will require significant ground works associated with the construction, which given the evidence from the adjacent site may uncovered unrecorded domestic wells. Accordingly, it is recommended that a programme of archaeological work is undertaken during development to fully excavate, record 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.

'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.

Location Plan



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