

Development Management Sub Committee

Wednesday 4 August 2021

**Application for Planning Permission 21/00880/FUL
at 49 Mitchell Street, Edinburgh, EH6 7BD.
Extension to hotel.**

Item number

Report number

Wards

B13 - Leith

Summary

The proposed extension is within the same use as the existing building. The proposed extension will be of a suitable design and scale appropriate to the building and wider area. It will preserve the special architectural and historical interest and setting of the listed building and the character and appearance of Leith Conservation Area. The proposal will not have an unacceptable impact on neighbouring amenity.

The proposal complies with the Local Development Plan and there are no material considerations which override this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LEMP10, LEN04, LEN03, LEN06, LDES01, LDES03, LDES04, LDES05, LTRA02, LTRA03, LTRA04, LDEL01, NSG, NSLBCA, OTH, HES, CRPLEI,

Report

Application for Planning Permission 21/00880/FUL At 49 Mitchell Street, Edinburgh, EH6 7BD Extension to 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 is 49 Mitchell Street, a single storey rear offshoot which currently forms the back area of a 12 bedroom hotel fronting onto Constitution Street. 57/57b Constitution Street and 49, 51/1 and 2 Mitchell Street form a category B listed building associated with the former Leith Post Office (listed 14 December 1970, reference 27174).

The listing describes the buildings as dating from 1875 and designed by Robert Matheson as a 2-storey and attic 5-bay Italianate post office in cream sandstone with coursed and squared rubble to side extension.

At the corner with Constitution Street and Mitchell Street, there are further listed buildings in a mix of commercial and residential uses. Leading east, Mitchell Street contains a variety of buildings including more recent flatted residential developments.

This application site is located within the Leith Conservation Area.

2.2 Site History

12 August 1992 - Planning permission granted for change of use to offices (including excavation of front basement area on Constitution Street) (planning reference: 91/02050/FUL).

20 July 2011 - Listed building consent granted for internal alterations (planning reference: 11/01866/LBC).

24 November 2011 - Planning permission refused for change of use at 57 Constitution Street from dental surgery/offices to guest house (planning reference: 11/01867/FUL).

11 June 2012 - Appeal allowed against refusal of change of use to guest house (planning reference:12/00010/REF).

3 September 2014 - Listed building consent granted for internal alterations (planning reference: 14/03004/LBC).

15 July 2015 - Planning permission granted for material variation to hotel to include a public bar area (planning reference: 15/00487/FUL).

17 May 2017 - Planning permission granted for change of use and extension of residential accommodation (ancillary to a hotel) to form an independent house over three floors with one car parking space (as amended) (17/01352/FUL).

1 June 2021 - Concurrent listed building consent application (21/03006/LBC)

Main report

3.1 Description of the Proposal

It is proposed to extend the existing hotel by adding a two-storey extension. The extension would contain 13 additional hotel bedrooms and access stair.

The existing single storey off shoot would be integrated into the extension with coursed rubble sandstone walls retained to Mitchell Street. The extension would have a flat roof and rendered walls and would be built off the retained boundary wall. An existing opening would be retained to a small rear parking area for 5 cars. The stairwell at the back of the main building will be in ashlar stone.

Previous scheme

The application has been revised to include sandstone as the main material to the stairwell and include cycle parking.

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 proposal is acceptable in principle;
- b) the proposal will preserve the character and setting of the listed building/s;
- c) the proposal will preserve or enhance the special character or appearance of the conservation area;
- d) the proposal is of an acceptable scale, form and design;
- e) the impact on amenity is acceptable;
- f) the proposal will have any transport impacts;
- g) there are any other material considerations and
- h) any comments raised have been addressed.

a) Principle

Local development Plan (LDP) Policy Emp 10 (Hotel Development) criteria (c) permits hotel development in locations within the urban area with good public transport access to the city centre.

The site is an existing Class 7 hotel use and is within the urban area with existing good public transport access and is in accordance with policy Emp 10. The proposed extension is acceptable in principle, subject to compliance with other plan policies.

It should be noted that a Class 7 use includes hotels, hostels, boarding and guest houses under the Town and Country Planning (use Classes) (Scotland) Order 1997.

b) Setting of Listed Buildings

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.

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

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.

HES Managing Change guidance on extensions states new alterations or additions, which are of high design quality sympathetic to the character of the building, form part of its continuum. Most historic buildings can sustain some degree of sensitive alteration or extension to accommodate continuing or new uses. Specifically, it states *An addition or extension should play a subordinate role. It should not dominate the original building as a result of its scale, materials or location, and should not overlay principal elevations.*

The offshoot area to the rear is notably different from the elevations of the listed building on the corner with Constitution Street and Mitchell Street which contribute to the special interest of the listed building. The rear area appears to be potentially of a later date and altered since its initial design. However, the rear frontage will be retained and converted with the extension added to the upper level. The loss of the existing roof, consisting of two slated pyramid form areas, will not be detrimental to the listed building as a whole. Internally, there are no remaining internal features worthy of retention. The proposed extension will not cover any notable features of the main listed building and whilst the rear will be obscured by the new extension, this is a secondary elevation.

The extension is of a relatively plain design and the use of render for the main extension will ensure that the listed building will still appear dominant. The extension will appear as a subservient addition. The windows are horizontal in form but this reads well with the plain design. No details of window materials have been provided but a condition has been applied to ensure materials are a suitable quality for this addition to the listed building.

The proposed extension will preserve the character of the listed building and its setting and complies with Policy Env 3 and 4 and Managing Change guidance.

c) Conservation Area

LDP Policy Env 6 (Conservation Areas - Development) states that development within a conservation area will be permitted which preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant character appraisal.

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.

The non-statutory guidance on Listed Buildings and Conservation Areas states that the aim of development should be to preserve the spatial and structural patterns of the historic fabric and the architectural features that make it significant.

As noted above the proposed extension will be in a secondary space to the rear of the building. The increase in building height will sit appropriately within a context of larger scale and more modern flatted residential development. It will be located to the edge of the conservation area.

The use of sandstone to the stairwell element and retention of the lower façade will ensure the development is appropriate within its immediate context and from views along Mitchell Street.

The proposal will preserve the character or appearance of the conservation area.

d) Scale, Form and Design

LDP Policy Des 1 (Design Quality and Context) requires development proposals to create or contribute towards a sense of place. The design should be based on an overall design concept that draws upon the positive characteristics of the surrounding area.

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) states that planning permission will be granted for development where it is demonstrated that existing characteristics and features worthy of retention on the site and in the surrounding area, have been identified, incorporated and enhanced through its design.

LDP Policy Des 4 (Development Design - Impact on Setting) requires development proposals to have a positive impact on its surroundings, including the character of the wider townscape, having regard to its height and form, scale and proportions, including the spaces between the buildings, position of the buildings and other features on the site; and the materials and detailing.

The proposed development is of an appropriate scale and design relative to its surroundings, where there are both historic and modern architectural styles. The design preserves existing features on site. The materials are of good quality.

The proposals comply with design policies.

e) Amenity

LDP Policy Des 5 (Development Design - Amenity) requires development proposals to demonstrate that neighbouring amenity of a development will have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook. It further requires new development to offer suitable level of amenity to future residents.

The proposal will adjoin number 43-45 Mitchell Street, a modern flat development. Environmental Protection was consulted on the proposal and is satisfied that the development will not have detrimental impacts on the neighbouring properties including transference of noise from the adjoining wall and use of bathroom extractor fans.

The building will sit within a tight urban context where the existing buildings sit in close proximity to each other. To the north, the proposed extension will face a lane area used for car parking and 3-5 Mitchell Street, a bonded warehouse offering office accommodation. The garden ground and parking area of number 55 Constitution Street is enclosed by high walls and lies opposite the proposed stairwell. There will be no unreasonable loss of amenity in terms of overshadowing.

To the south there is a blank façade forming the side elevation of 61 Constitution Street. Windows to 59 Constitution Street sit at a 45 degree angle approximately 10 metres away from the proposed extension which will minimise any increase in overlooking.

The extensions orientation and position on site, relative to other habitable dwellings, will not give rise to significant overshadowing or loss of daylight. There would be some loss of daylight to the windows at No. 45 Mitchell Street, but given the tight urban context, this is considered acceptable in this instance.

There are no unacceptable impacts on neighbouring amenity in respect of privacy, noise or daylight and sunlight.

f) Transport

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

The site contains five existing car parking spaces. No new car parking is proposed as part of the development. This meets with the car parking standards set out in the Edinburgh Design Guidance.

Following the Roads Authority comments requesting consideration of the provision of one cycle space, the applicant has indicated provision of two cycle spaces within the car parking area.

The Roads authority has no objections, and the proposal complies with LDP policies Tra 2, Tra 3 and Tra 4.

g) Developer Contributions

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) deals with contributions to infrastructure. Accompanying Supplementary Guidance has been finalised which shows contribution zones and contribution rates.

The site falls within the Tram Contribution Zone 1. The applicant will be required to contribute the sum of £55,643 (based on 13 hotel rooms in Zone 1) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment.

h) Public Comments

Material - Objection

- loss of amenity including overlooking, daylight and sunlight and noise - this is addressed in section 3.3 (e);
- inadequate parking and increased traffic - this is addressed in section 3.3 (f);
- impact on conservation area and listed buildings - this is addressed in section 3.3 (b) and (c);
- modern extension overdevelopment and inappropriate to character - this is addressed in section 3.3 (b) -(d);
- lack of site notices - the requirement for the display of site notices was temporarily suspended through the Coronavirus (Scotland) Act 2020 at the time of the application's submission.

Non-Material - Objection

- existing properties poorly managed by applicant - this is an operational matter outwith the control of the planning authority;
- disruption during construction including access - this is not a material planning consideration;
- impact on property values - this is not a material planning consideration;
- overprovision of type of rental/ temporary accommodation in area - this is not a material planning consideration;
- will make area unsafe, increase in antisocial behaviour, drug and alcohol use - this is a matter for Police Scotland;
- Council not tackling homelessness appropriately - this is not a material planning consideration;
- additional hotels increase Covid risk - this is not a material planning consideration;
- amenity for hotel occupiers - the amenity of hotel visitors is not protected.

Material - Neutral General

- windows should be of a material and form compatible with nearby historic buildings - the materials and details are subject to condition;
- windows should have a portrait orientation - design is assessed in section 3.3 (b) to d).

Community Council

Leith Links Community Council did not request to be a statutory consultee but have objected on the follow grounds:

- site used a temporary accommodation for the homeless - Class 7 use includes hotels, hostels, boarding and guest houses under the Town and Country Planning (use Classes) (Scotland) Order 1997 for which the site has existing consent;
- should be limits on provision of such accommodation in area - this is not within the control of the Planning Authority;
- impact on the living standards of existing residents - amenity is assessed under 3.3 (e);
- not clear on applicant's intentions for use - as noted above the extension is within the same use class as existing;
- proposal not in accordance with LDP policies and conservation area - these are addressed in section 3.3 (a) to (g).

Conclusion

The proposed extension is within the same use as the existing building. The proposed extension will be of a suitable design and scale appropriate to the building and wider area. It will preserve the special architectural and historical interest and setting of the listed building and the character and appearance of Leith Conservation Area. The proposal will not have an unacceptable impact on neighbouring amenity.

The proposal complies with the Local Development Plan and there are no material considerations which override this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions :-

1. 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 enable the planning authority to consider this/these matter/s in detail.

Informatives

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation all of those matters identified in the proposed Heads of Terms. -

These matters are:

Tram contribution

The applicant will be required to:

- Contribute the sum of £55,643 to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment;

A legal agreement will be required to secure these funds.

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.

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

3. 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.
4. 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 is not subject to 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 14 objections and one neutral comment.

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**

Edinburgh Local Development Plan - Urban Area

Date registered

2 March 2021

Drawing numbers/Scheme

01-07, 08A, 09-11, 12A, 13A,

Scheme 3

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lynne McMenemy, Senior Planning Officer

E-mail:lynne.mcmenemy@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

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

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

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 Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

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

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) identifies the circumstances in which developer contributions will be required.

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

Relevant Government Guidance on Historic Environment.

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 21/00880/FUL At 49 Mitchell Street, Edinburgh, EH6 7BD Extension to hotel.

Consultations

Environmental Protection

Environmental Protection has no objection to this application.

Assessment

The application is for the extension to an existing hotel at 49 Mitchell Street, Edinburgh. The extension is over the rear car park and vennel access and will provide additional bedrooms to the hotel. The extension will be structurally attached to the 4 storey residential apartment building to the east and overlooks a house to the south. To the north on the opposite side of the street is an office.

There were concerns that the development would have caused increased noise transfer between the hotel and the adjacent apartment building. However, details of the construction provided assurance that this would be very unlikely. The bedrooms would only use individual extract fans for ventilation which would not be anticipated to generate noise complaints and the existing heating system will be used.

Therefore, Environmental Protection have no concerns with the proposed development and offer no objection.

Roads Authority

Full Response

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

- 1. The applicant will be required to contribute the sum of £55,643 (based on 13 hotel rooms in Zone 1) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment;*
- 2. The applicant should consider providing the following:*
 - a. Cycle Parking;*
 - b. Accessible Car Parking;*
 - c. Electric vehicle charging points;*

Note:

The application has been assessed under the current parking standards for the additional 13 hotel rooms. These are as follows:

- o A maximum of 6 car parking spaces (1 space per 2 rooms). 5 car parking spaces are being retained this is considered acceptable;
- o A minimum of 1 cycle parking space (1 space per 10 rooms). No cycle parking is proposed;
- o Due to the size and nature of the development, no requirement for Accessible, EV and motorcycle car parking;

Archaeology

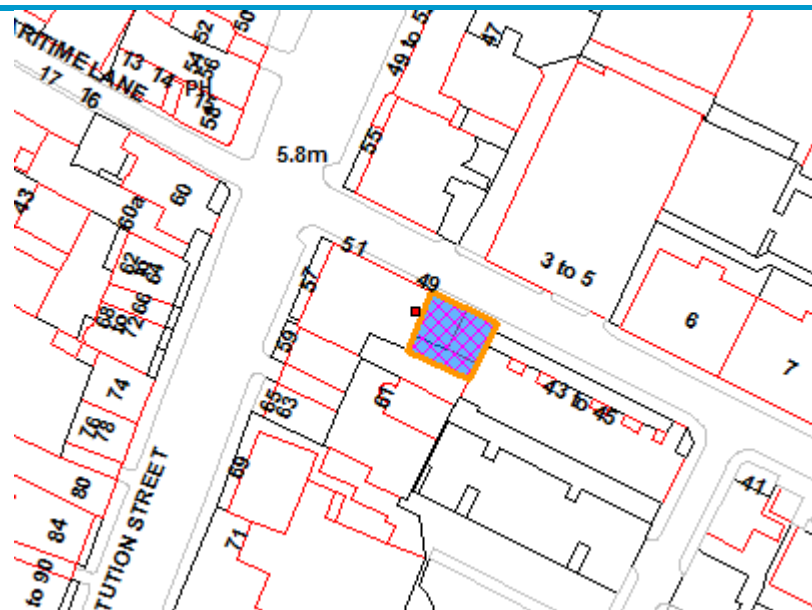
The application concerns the B-listed 1875 former Leith Post Office building recently converted into a hotel located within the historic core of the Port of Leith and constructed over the ports 16-17th century defences. Having assessed these plans it is considered that these proposals will not have a significant archaeological impact upon the building's historic fabric nor underlying archaeological remains.

Accordingly, it has been concluded that there are no significant archaeological implications in regard to this application.

Historic Environment Scotland (HES)

No comments.

Location Plan



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