

# Development Management Sub Committee

Wednesday 4 August 2021

**Application for Listed Building Consent 21/03006/LBC  
at 49 Mitchell Street, Edinburgh, EH6 7BD.  
Extension to hotel.**

Item number

Report number

Wards

B13 - Leith

## Summary

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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 complies with the Local Development Plan and HES Managing Change Guidance and there are no material considerations which override this conclusion.

## Links

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[Policies and guidance for this application](#)

LDPP, LEN04, LEN06, HES, HESEXT,

# Report

## **Application for Listed Building Consent 21/03006/LBC at 49 Mitchell Street, Edinburgh, EH6 7BD.**

Extension to hotel.

### **Recommendations**

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

### **Background**

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#### **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 two 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).

23 February 2021 - Concurrent planning application (21/00880/FUL)

## **Main report**

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### **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. 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.

### **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 will preserve the character and setting of the listed building/s;
- b) the proposal will preserve or enhance the special character or appearance of the conservation area and
- c) any comments raised have been addressed.

a) 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.*

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.

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.

## 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 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 and appearance of the conservation area.

## c) Public Comments

### **Material comments - Neutral General**

- windows should be of a material and form compatible with nearby historic buildings - addressed in section 3.3(a)
- windows should have a portrait orientation - addressed in section 3.3 (a)

### **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 - this is not material in terms of listed building consent;
- impact on the living standards of existing residents - this is not material in terms of listed building consent;
- not clear on applicant's intentions for use - this is not material in terms of listed building consent;
- proposal not in accordance with LDP policies and conservation area - these are addressed in section 3.3 (a) to (b).

## Conclusion

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 complies with the Local Development Plan and HES Managing Change Guidance 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. The works 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**

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### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **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**

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### **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**

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### **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 received one objection from Leith Links Community Council and one neutral comment.

## **Background reading/external references**

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- 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** 1 June 2021

**Drawing numbers/Scheme** 01-07, 08A, 9-13,

Scheme 2

### **David Givan**

Chief Planning Officer

PLACE

The City of Edinburgh Council

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## **Links - Policies**

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### **Relevant Policies:**

#### **Relevant policies of the Local Development Plan.**

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

#### **Relevant Government Guidance on Historic Environment.**

Managing Change in the Historic Environment: Extensions sets out Government guidance on the principles that apply to extending listed buildings.



# Appendix 1

## Application for Listed Building Consent 21/03006/LBC At 49 Mitchell Street, Edinburgh, EH6 7BD Extension to hotel.

### Consultations

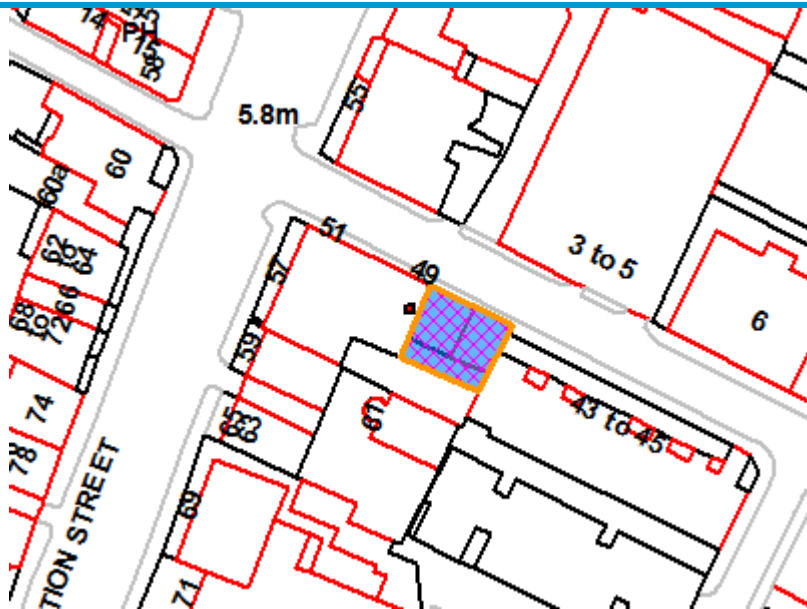
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*Historic Environment Scotland (HES)*

*No comments.*

### Location Plan

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