

Development Management Sub Committee

Wednesday 11 September 2019

**Application for Planning Permission 19/02722/FUL
At 221 Ferry Road, Edinburgh, EH6 4NN
Proposed change of use from Class 7 hotel to 19 bedroom
(maximum 30 person occupancy) house of multiple
occupation and associated internal and external alterations
(as amended).**

Item number

Report number

Wards

B12 - Leith Walk

Summary

The proposed use and alterations would be compatible with the existing building and the character of the area. The impact on neighbouring amenity is acceptable and an acceptable level of car and cycle parking has been provided. Additionally, the proposal has no adverse implications for the special character and appearance of the Victoria Park Conservation Area and has special regard to the character of the listed building. The proposal complies with all other relevant policies and non-statutory guidelines.

Links

[Policies and guidance for this application](#)

LDPP, LHOU07, LHOU10, LEN04, LEN06, CRPVIC, LTRA02, LTRA03, NSG, NSBUS, NSLBCA,

Report

Application for Planning Permission 19/02722/FUL At 221 Ferry Road, Edinburgh, EH6 4NN Proposed change of use from Class 7 hotel to 19 bedroom (maximum 30 person occupancy) house of multiple occupation and associated internal and external alterations (as amended).

Recommendations

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

Background

2.1 Site description

This application relates to a 2 storey, 3 bay, T-plan gabled Tudor villa on the corner of Ferry Road and Gosford Place. It has a 3 storey tower attached at the NW corner. The surrounding area is primarily residential in nature. Victoria Park lies to the north of the property on the other side of Ferry Road and a disused railway line now used as a public open space, lies to the west (this is part of the north Edinburgh path/cycle network).

The property is a category C listed building and was listed on 30 March 1994. The reference number is LB26986.

This application site is located within the Victoria Park Conservation Area.

2.2 Site History

16 August 2019 - Listed building consent was granted for the internal and external alterations associated with the change of use (application reference 19/02720/LBC).

Main report

3.1 Description Of The Proposal

This application seeks full planning permission to change the use of the property from a hotel to a 19 bedroom house of multiple occupation (HMO). This would involve a change of use from Class 7 to a sui generis use. Full planning permission is also sought for a number of external alterations including:

- Installation of new windows and doors to the rear of the existing function hall (this involves the replacement of existing non-original upvc with new upvc);
- Installation of new flat roof lights; and

- Alterations to windows on the south west elevation of the building (this involves the replacement of existing non-original upvc with new upvc).

Five car parking spaces and 30 cycle parking spaces are proposed.

Scheme 1

Revised plans were submitted under Scheme 2 detailing amended car and cycle parking provision.

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 change of use to HMO use is acceptable;
- b) the proposals preserve the character of the listed building;
- c) the proposals will preserve or enhance the character or appearance of the conservation area;
- d) parking standards have been met; and
- e) any public comments have been addressed.

a) Principle of Use

Policy Hou 7 of the Edinburgh Local Development Plan (LDP) 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. Policy Hou 7 is the only policy relevant in relation to assessing the suitability of a HMO use. It does not seek to restrict the number of HMO properties in an area and is solely concerned with protecting the living conditions of nearby residents. The policy is supplemented by the Non-statutory Guidance for Businesses. There is no specific guidance on when HMO use might be acceptable or not apart from stating that in terms of amenity "proposals for a change of use will be assessed in terms of their likely impact on neighbouring residential properties. Factors which will be considered include background noise in the area and proximity to nearby residents."

A hotel business with a function hall currently operates out of the premises and as such constitutes a non-residential use in this largely residential area. Whilst the proposed change of use would involve the premises becoming a HMO property, it will provide a form of living accommodation compatible with nearby residential use. Additionally, hotels generally have a higher turnover of users than HMO properties so the frequency of individuals arriving and leaving the premises will be less with the HMO. The function hall will cease to operate. This would in turn potentially improve the residential environment of nearby residents.

There is a reasonable degree of separation between nearby residential development and the premises. A car parking area separates the premises and residential development to the south. Gosford Place and the disused railway/public open space lie between the premises and residential development to the west. The entrance to Victoria Park lies on the opposite side of Ferry Road to the north. The residential properties to the east are closest to the premises but are separated by tall trees and shed buildings associated with the premises. The main entrance to the building lies on a busy arterial road. The change of use will have a negligible impact on the living conditions of nearby residents and the proposal complies with Policy Hou 7.

The nature of the users of the proposed HMO property and the popularity of an existing use/business are not material planning considerations and are not factors which can be taken into account in assessing the suitability of the change of use.

LDP Policy Hou 10 states that development involving the loss of valuable health or other community facilities will not be allowed, unless appropriate alternative provision is made. Whilst the function room may have been used by the local community, it is ancillary to the hotel use. The hotel in itself is not a community facility. There is no evidence that there would be an underprovision of community facilities in the area as a result of this application. The proposal complies with Policy Hou 10.

b) Character of Listed Building

Policy Env 4 of the LDP states that proposals to alter a listed building will be permitted where those alterations are justified, will not result in unnecessary damage to historic structures or result in a diminution of the buildings interest; and any additions would be in keeping with other parts of the building.

Historic Environment Scotland's guidance document entitled *Managing Change in the Historic Environment: Windows* states that the windows of a historic building form an important element in defining its special interest and character. The replacement of the existing windows is acceptable because they are not original and they are not interventions to the historic fabric of the building.

The proposed alterations to the south west elevation of the building involve the enlargement of existing upvc windows on the ground floor to match that of the windows on the second floor. The door is to be replaced with a smaller set of upvc windows. Additionally, replacement windows and doors will be introduced on the south east elevation as well as new rooflights (visible on the south east and north east elevations). The alterations relate to later extensions to the building and as such do not affect features which are of any special interest or which contribute to the character of the listed building. Therefore the proposal complies with Policy Env 4 in this respect.

c) Character and Appearance of Conservation Area

The Victoria Park Conservation Area Conservation Area Character Appraisal identifies the spatial structure and essential character as:

The original estate house, lodge and tree lined avenue are still evident though the setting has been compromised. Disused railway cuttings form physical boundaries around the wider Victoria Park area. The scale of the park, enhanced by the removal of railway lines, is a considerable and prominent feature and forms half of the Conservation Area. Large villas set in generous garden grounds are located around three sides of the Park. Victorian suburban development of narrow streets with terraced villas comprise a more compact and intimate form of residential development to make up the other half of the area. Close proximity accentuates the contrast between open parkland and compact development.

Policy Env 6 states that development within a conservation area will only be permitted if it preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal. The principal elevation (north west elevation) of the category C listed building will remain wholly intact, the rear elevation (south east elevation) will not be clearly visible from the wider area and all the external alterations are relatively minor. The combination of these factors will ensure that the special character and appearance of the conservation will be preserved. Additionally, the Victoria Park Conservation Area Character Appraisal generally only makes reference to the wider character of the conservation area and this will be left unaffected by the small scale nature of the proposed works. Therefore the proposal is compliant with Policy Env 6.

d) Parking Standards

Policy Tra 2 states that planning permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels set out in Council guidance.

Policy Tra 3 states that planning permission will be granted for development where proposed cycle parking and storage provision complies with the standards set out in the Edinburgh Design Guidance.

The Roads Authority was consulted in order to establish the suitability of car and cycle provision. The original plans that were submitted illustrated an overprovision of car parking spaces and an underprovision of cycle parking spaces. Revised plans were subsequently submitted illustrating how the proposal had been amended to meet the Parking Standards. The proposal complies with policies Tra 2 and Tra 3.

e) Public Comments

Material issues raised:

- Adverse implications for the character of the area. This is addressed in Section 3.3c);
- Impact of proposed HMO on the character of the area and the amenity of residents. This is addressed in Section 3.3a);
- Implications for traffic and parking. This is addressed in Section 3.3d);
- Loss of events/functions to locals/community and other areas. This is addressed in Section 3.3a); and
- The length of time that the premises has operated as a hotel. This is addressed in Section 3.3a).

Non-material issues raised:

- Demographic of people who will stay at the HMO property. This is not material because the nature of the occupants is not a planning matter;
- The building works associated with the proposed alterations will cause disruption. This is not material because it isn't relevant in assessing the proposal; and
- Popularity of the existing use/business. This is not material because it is not a planning matter.

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 development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £7,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area
5. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.
6. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved
7. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.

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 in terms of equalities and human rights. The main entrance to the premises on Ferry Road has one step up to it, the rear entrance is at ground level. Disabled users of the premises would not be greatly hindered when accessing the property. Additionally, given the fact that the premises is listed and within a conservation area the installation of an access ramp would not be appropriate.

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

There were 157 objections received from members of the public; these are summarised and addressed in the Assessment Section 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

Located within the urban area as defined by the Edinburgh Local Development Plan 2016.

Date registered

7 June 2019

Drawing numbers/Scheme

01,02,03,04,05,06,07,08,09,10A,11,12,13,14,15,16,17,18A,

Scheme 2

David R. Leslie

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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 Hou 10 (Community Facilities) requires housing developments to provide the necessary provision of health and other community facilities and protects against valuable health or community facilities.

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.

The Victoria Park Conservation Area Character Appraisal emphasises the predominance of Georgian and Victorian villas and terraced blocks constructed in stone with slate roofs, and the predominately residential use.

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.

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.

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

Appendix 1

Application for Planning Permission 19/02722/FUL At 221 Ferry Road, Edinburgh, EH6 4NN Proposed change of use from Class 7 hotel to 19 bedroom (maximum 30 person occupancy) house of multiple occupation and associated internal and external alterations (as amended).

Consultations

Roads Authority

Further to the memorandum dated the 1st of August 2019 and the subsequent amendments made there is no objections to the application subject to the following being included as conditions or informatives as appropriate

- 1. In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £7,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area;*
- 2. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;*
- 3. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;*
- 4. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future;*

Note:

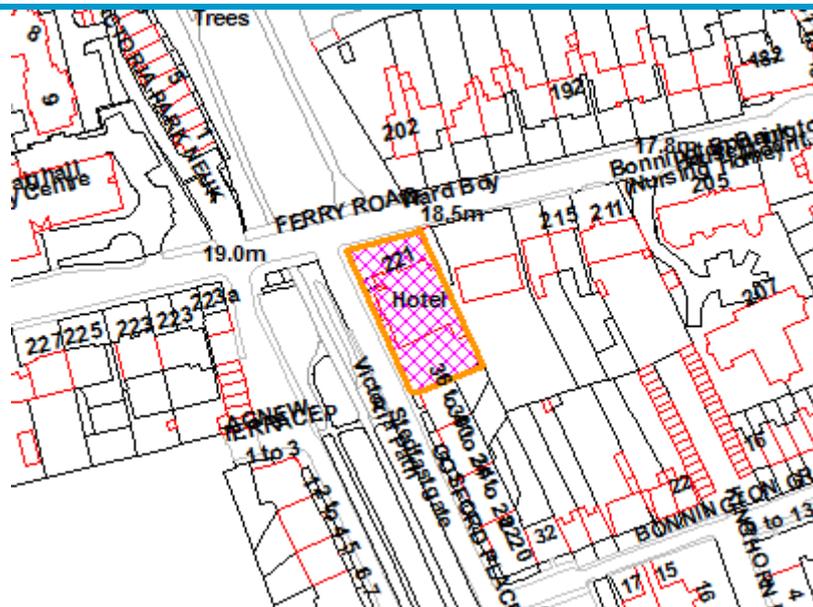
- 1. The application has been assessed under the 2017 parking standards and treated for this purpose as Student Accommodation. These permit the following:*
 - a. A maximum of 5 car parking spaces (1 space per 6 beds), 5 car parking spaces are proposed this is considered acceptable;*
 - b. A minimum of 30 cycle parking spaces (1 space per bed), 32 cycle parking spaces are proposed meeting this requirement;*
 - c. Whilst the proposals do not meet the minimum requirements for accessible car parking, 2 accessible spaces are proposed;*

II. The proposed level of car parking complies with the maximum level of car parking for "Student Flats" within the 2017 Parking Standards. This level of car parking has been justified as the site is in an area of good accessibility to public transport and active travel routes. The applicant has highlighted the bus stops and routes that are within a reasonable walking distance (5-10 mins) from the site as well as a number of services and amenities. In terms of active travel, the site benefits from excellent access to the North Edinburgh Path Network (Victoria Path) which provides continuous off-road active travel provision to numerous areas and destinations across the city.

Waste Services

No objections.

Location Plan



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