

Development Management Sub-Committee Report

Wednesday 28 February 2024

**Application for Planning Permission
237 Morningside Road, Edinburgh, EH10 4QU**

Proposal: Project to construct new hotel accommodation on the site of an existing private car park to expand the existing neighbouring hotel and pub business (scheme 2).

**Item – Committee Decision
Application Number – 23/00359/FUL
Ward – B10 - Morningside**

Reasons for Referral to Committee

The application is referred to the Development Management Sub-Committee due to the number of letters of representation received which exceeded the scheme of delegation in place at the time of submission.

Recommendation

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

Summary

The development is in accordance with the development plan. This proposal will deliver an extension of an existing use and is acceptable in principle. The proposals are acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. They would preserve the setting of the nearby listed building and enhance the character and appearance of the conservation area. The proposals will deliver a sustainable and well-designed scheme that will contribute to climate mitigation and adaptation. The design draws on the character of the surrounding area to create a strong sense of place and is consistent with the six qualities of successful places as set out in NPF4. There will be no adverse impact on the amenity of existing nearby residents. Flood and drainage proposals are acceptable. Transport generation and parking proposals are acceptable. Other material considerations support the presumption to grant planning permission.

Subject to recommended conditions and informatives, the proposal is acceptable and complies with National Planning Framework 4 and the aims of the 2016 Edinburgh Local Development Plan, as well as the Council's non-statutory Edinburgh Design Guidance and the Guidance on Listed Buildings and Conservation Areas. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site description

The site is to the rear of the existing public house, The Canny Man's, fronting Canaan Lane. It has an area of approximately 220 square metres. The site is currently used as a private carpark with six spaces for visitors to either the neighbouring Canny Man's public house or the Lane Hotel, which is to the east of the site. The site includes a garage that is used for storage by the pub/hotel; it was built in 1999 and is constructed from rendered concrete block, with a timber truss roof clad in slate. There is also an enclosed external bin store which fronts Canaan Lane, an open area for beer kegs and an enclosed grassed area.

To the west is The Canny Man's public house, a two storey traditional stone property which fronts Morningside Road and is owned by the applicant. There is a beer garden to the rear adjacent to the application site as well as a single storey building which is used as function space. To the east is The Lane Hotel, a traditional two storey stone and slate-built property, which is also owned by the applicant. To the rear of this building is a courtyard accessed off Canaan Lane, which provides access to residential units and offices. These units are located between the Lane hotel and the tenement buildings along Jordon Lane. Property 6A is in the ownership of the applicant. Property 6D is an office which adjoins the residential properties. The upper flat to the south has a raised roof terrace enclosed by railings which adjoins the southern site boundary. On the opposite side of the road from the site is a residential property, a recently constructed flatted block and the rear of tenements which front Morningside Road.

The site is within the Morningside Conservation area. The public house to the west, The Canny Man's is a category B listed building, listed 30th March 1993, LB ref: LB46297. Constructed circa 1890, it is described as a late Victorian public house with fine interior, 2-storey 3-bay square-plan corner block. The east (rear) elevation which faces the application site is described as having single windows and modern fire escape stair, tall wall head stack to right of centre. Detached single storey stable block to rear of main building with two large openings and gabled hayloft door. It has four-pane timber sash and case windows.

Proposed development

It is proposed to demolish the existing garage and some of the existing walls within the site. Some regrading/ levelling of land is proposed. A new hotel development of three storeys is proposed with a total of two one-bedroom studios on the ground floor and twelve en-suite bedrooms on the upper floors. The building will have a mansard roof with dormer windows to front and rear. It will be detached with the exception of part of the west elevation being attached to the outbuilding which lies to the rear of the B listed public house.

Each hotel studio flat will have a floor area of 52.1sqms and each have individual entrances from the front. The floor areas of the proposed ensuite bedrooms range from 24.2sqms to 31.2sqms. The proposed building/ uses will operate as an extension of the current public house and existing hotel use.

A blue roof is proposed to the main flat part of the proposed roof, the surface finished with round river washed pebbles. Hard surfaces within the site will be permeable. Air source heat pumps are proposed in the southeast corner of the site to the rear of the building.

A new stone wall is proposed along the front boundary. No vehicular access or car parking is proposed to serve the development. Two additional cycle parking spaces are proposed within a secure storage area in the Stables building at the adjacent site.

Walls are to be clad in Ashlar sandstone on the front and side elevations. Rear elevation to be rendered to match. Precast concrete panels. Windows are to be in aluminium. Roof and dormer windows to be clad in brown pigmented zinc. Railings to some windows in powder coated zinc to match windows.

Scheme 1:

The first scheme included a four-storey building, with stone coloured brick walls. Cycle parking provision was not included.

The following documents have been submitted in support of the application:

- Conservation Statement.
- Embodied carbon report.
- Planning Statement.
- Preliminary ecological statement.
- Noise Impact Assessment.
- Energy Statement.
- Contamination risk assessment; and
- Drainage strategy and surface water management plan.

Relevant Site History

23/03875/LBC
237 Morningside Road
Edinburgh
EH10 4QU

There will be minor external alterations to the Stables Building, part of the Canny Man's Listing. The east boundary gutter of the Stables will be removed with a flashing and lead valley gutter being proposed to replace it. There are to be no internal changes to the Stables building and its use as storage and function space is to remain the same. Permission is not required.

6 September 2023

Other Relevant Site History

14th June 2023 - Application submitted for conservation area consent for demolition of the existing building (application ref: 23/02585/CON)

History of neighbouring sites:

6a Canaan Lane:

19th April 2023 - Permission refused for short term let (in retrospect) (application ref: 23/05239/CLESTL)

11th October 2023 - Appeal review upheld officers' decision to refuse permission (appeal ref: 23/00130/REVREF)

6C Canaan Lane:

4th December 2020 - Planning permission granted for change of use from office to residential (application ref: 20/04253/FUL)

6th November 2023 - Certificate of Lawfulness submitted for use of property as a short term let undetermined (23/05239/CLESTL)

7 Canaan Lane:

03 August 2017 - Planning permission refused for the erection of new six storey building to replace public toilet comprising 11 flats (as amended) (application reference 17/00184/FUL).

20 November 2017 - Appeal against refusal of 17/00184/FUL dismissed by reporter.

15th November 2018 - Planning permission was granted for a five-storey block containing ten flats (application ref: 18/01506/FUL)

9A Canaan Lane:

18th October 2018 Extension and enlargement following part demolition to create a new dwelling granted (application ref: 18/07763/FUL)

22nd October 2018 Certificate of Lawfulness refused (application ref: 18/04539/CLE)

Pre-Application process

There is no pre-application process history.

Consultation Engagement

CEC Archaeology

Transport Planning

Flood Planning

Environmental Protection

Refer to Appendix 1 for a summary of the consultation response.

Publicity and Public Engagement

Date of Neighbour Notification: 18 January 2024

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 19 January 2024 29 September 2023 17 February 2023

Site Notices Date(s): 16 January 2024 26 September 2023 14 February 2023

Number of Contributors: 114

Section B - Assessment

Determining Issues

Due to the proposals relating to a listed building(s) and being within a conservation area, this report will first consider the proposals in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- a) Is there a strong presumption against granting planning permission due to the proposals:
 - (i) harming the listed building or its setting? or
 - (ii) conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?

- b) If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling material considerations for not approving them?

If the proposals do not comply with the development plan, are there any compelling material considerations for approving them?

In the assessment of material considerations this report will consider:

- equalities and human rights.
- public representations; and
- any other identified material considerations.

Assessment

To address these determining issues, it needs to be considered whether:

a) **The proposals harm the listed building and its setting.**

The following HES guidance is relevant in the determination of this application:

- Managing Change in the historic environment: setting.

Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Setting states that *setting can be important to the way in which historic structures or places are understood, appreciated, and experienced. It can often be integral to a historic asset's cultural significance. Setting often extends beyond the property boundary or 'curtilage' of an individual historic asset into a broader landscape context. Both tangible and less tangible elements can be important in understanding the setting. Less tangible elements may include function, sensory perceptions or the historical, artistic, literary, and scenic associations of places or landscapes.*

The proposed development is separated from the main listed building by the existing beer garden to the west. The development lies in close proximity and is partly attached to the existing Stables outbuilding which is included in the listing description of the Canny Man's. The Stables building is set back from the road and is not clearly visible from either direction along Canaan Lane. Works proposed to the Stables building include infill of existing blank window on the east elevation which will be behind the new west facing gable wall, and the removal of a modern brick garden wall to the east of the beer garden boundary. The applicant has submitted supporting information in a Conservation Statement which sets out the impact of the proposal on the Canny Man's public house listed building and its setting. This describes The Stables block itself as having low historic significance; it has been altered and was concealed from street view prior to the buildings listing. It continues that *'the adaptation over time to serve the functions of the public house have eroded the historic legibility of the building which remains ancillary. The building is of no architectural value and remains largely agricultural in appearance. The building is socially and culturally significant in its use as a private dining room to the public house but was not designed as such and is used intermittently. The store and office are not significant spaces.'*

The proposal will be of a lower scale, height and of a smaller massing than the main listed building. Visualisations submitted by the applicant show that the proposals will have no adverse impact on the historic significance of the main listed building. Whilst the proposal will lie in close proximity to The Stables outbuilding, as this is not significant and is ancillary to the main listed building, the development would be acceptable in relation to preserving its historic and architectural interest.

Conclusion in relation to the listed building

The proposal will not detract from the special architectural and historic interest of the nearby listed building nor harm their setting and conforms with section 59 of the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997.

The proposals harm the character or appearance of the conservation area.

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The Morningside Conservation Area Character appraisal states: *"The Morningside Conservation Area Character Appraisal emphasises that the architectural character of the conservation area is largely composed of Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of private open space. The villa streets are complemented by the profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas which are in variety of architectural styles are unified by the use of local building materials."*

The area in which the site sits has a dense built form. There is a mix of building styles, heights, and massing in the immediate area, including the recently constructed new flatted block opposite the site, and a mansard roof style building further along Canaan Lane to the east of the site. The position of buildings within the immediate area is mixed; some front the back of the pavement whilst others are set back from the road.

The proposal would be of an acceptable form; introducing a building of an acceptable scale, height and position which would not detract from, and enhancing the character or appearance of the Morningside Conservation Area. The proposed block's siting on the existing car park site would not be significantly different to other development patterns in the surrounding urban block. The height of the building would be slightly higher than the Lane Hotel to the east, but at the depth of building proposed would be acceptable and would fit in with the character of immediate area. The main front elevation would extend slightly further forward than the main front elevation of the adjacent Lane Hotel, however this does not detract from the appearance of the area where there is a mixture of building positions.

The external walls to the front and side of the building are to be finished in Ashlar natural stone to tie in with the predominant building material found in the surrounding area. Zinc cladding is proposed to the top floor level and windows are proposed to be metal framed to allow for a lightweight contemporary appearance. To the rear elevation of the building, it is proposed that the building will be finished in render to match the colour of the stone. Given that there would be no public views of this elevation, and traditionally ashlar sandstone would only be used on prominent elevations, the proposed materials will provide an appropriate design concept which contributes to a sense of place.

Conclusion in relation to the conservation area

The proposal is acceptable in relation to its impact on the character and appearance of the Morningside Conservation Area. It conforms with Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

a) The proposals comply with the development plan.

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4. The relevant policies to be considered are:

- NPF4 Climate and nature crisis policies 1, 2 and 3
 - NPF4 Historic assets and places policy 7
 - NPF4 Brownfield, vacant and derelict land policy 9
 - NPF4 Zero waste policy 12
 - NPF4 Sustainable transport policy 13
 - NPF4 Design, quality, and place policy 14
 - NPF4 Local living and 20-minute neighbourhoods' policy 15
 - NPF4 Blue and green infrastructure policy 20
 - NPF4 Flood risk policy 22
 - NPF4 Health and safety policy 23
 - NPF4 Community wealth building policy 25
 - NPF4 City, town, local and commercial centres policy 27
 - NPF4 Tourism policy 30.
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- LDP Environment policy Env 21 and Env 22
 - LDP Employment and Economic Development policy Emp 10
 - LDP Design policy Des1, 2, 3, 4, 5, and 7
 - LDP Inappropriate uses in residential areas policy Hou 7
 - LDP Transport policy Tra 2, Tra 3, and Tra 4.

The non-statutory 'Listed Buildings and Conservation Area' guidance and the Edinburgh Urban Design Guidance are relevant material considerations.

Principle of development

The site is within the urban area in the Edinburgh Local Development Plan. It lies just outside the boundary of the Morningside/ Bruntsfield Town Centre. LDP policy Emp 10 (Hotel development) permits hotel development in locations within the urban area with good public transport access to the city centre. The proposal has good access to a number of buses on Morningside Road which provide links to and from the city centre. The proposal complies with LDP policy Emp 10.

NPF 4 Policy 30 seeks to encourage, promote, and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland. The applicant has confirmed that the existing public house and hotel are integral to each other, with the pub providing the dining accommodation for the hotel as well as other ancillary functions. It has also been confirmed that the proposal is an extension of the current hotel use. It complies with policy NPF4 policy 30 as it will introduce further accommodation to an existing tourism related business which will benefit the local community. NPF 4 policy 25 (community wealth building) states that development proposals which contribute to local or regional community wealth building strategies and are consistent with local economic priorities will be supported. The proposal would expand an existing local business and increase spending within the local community. The proposal complies with NPF 4 policy 25.

NPF 4 policy 27 (City, town, local and commercial centres) support proposals which enhance and improve the vitality and viability of city, town, and local centres, including proposals that increase the mix of uses. The site is just outside the Morningside/ Bruntsfield town centre and will provide an additional accommodation facility and use which complements and enhances the vitality and viability of this centre; it will enable more visitors to stay within the city. The proposal accords with NPF 4 policy 27.

In principle the proposal is acceptable and meets the general aims of tourist related development in NPF4 and LDP policies.

Impact on setting of nearby listed buildings

NPF4 policy 7 (Historic Assets and Places) aims to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. Under part 7c it states that 'Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.'

The non statutory 'Listed buildings and Conservation Area' guidance is a material consideration that is relevant when considering NPF4 policy 7.

The historic assets within the area have been assessed against the relevant legislation, guidance and NPF4 policies. As set out in section a) above, the proposed development would not have any adverse impact on the setting of nearby listed buildings. The proposals comply with NPF4 policy 7c and the Guidance on Listed Buildings and Conservation Areas.

Conservation Area

NPF4 policy 7d) to g) are relevant in relation to development within a conservation area. Part d) sets out that development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Part e) states that 'Development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained.' Part f) sets out that the demolition of buildings in a conservation area which make a positive contribution to its character will only be supported where it has been demonstrated certain criteria have been met; and part g) states that 'where demolition within a conservation area is to be followed by redevelopment, consent to demolish will only be supported when an acceptable design, layout and materials are being used for the replacement development.'

The existing garage building on the site is of a traditional design and materials, but is a relatively small ancillary building, constructed in 1999, which does not contribute significantly to the character of the area. Its proposed demolition is considered under concurrent application 23/02585/CON. Canaan Lane has a varied character in its architecture with a mixture of villas, tenements, terraces etc. As outlined above, the design and scale of the proposals are in keeping with other developments along this part of the conservation area, which are of a lower and more domestic scale than the higher tenemental buildings along Morningside Road. The applicant has demonstrated that there is no adverse impact on the character or appearance of the conservation area as a result of the development; the appearance of the conservation area would be preserved.

The proposals are in accordance with NPF 4 policy 7 parts d) to g).

Archaeology

In relation to archaeology, NPF4 policy 7o) states that non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. CEC City Archaeology state that the application site lies on the edge of bank overlooking the course of the former Egypt Burn located to the South. Given the site's location and lack of significant historic development on the site indicated by 19th century maps, these proposals are regarded as having a potential, though low, archaeological impact. Construction works may disturb important remains associated with the suburb's development during the 18th and early 19th centuries and potential earlier remains. It is therefore recommended that a condition is added to any consent for a programme of archaeological works to be undertaken prior to and during development to fully excavate, record and analysis any significant remains that may be affected.

The proposal complies with NPF4 Policy 7-part o).

Climate change and mitigation

NPF4 Policy 1 (Tackling the climate and nature crisis) gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. The proposed development contributes to the spatial principles of 'Compact Urban Growth' and 'Local Living' through the use of an existing developed site for alternative uses.

NPF4 Policy 9 encourages the use of previously developed land over greenfield development. In particular, criterion a) states development proposals that will result in the sustainable reuse of brownfield land will be supported. The proposal is in accordance with this policy.

NPF4 Policy 2 a) (climate mitigation and adaptation) supports development proposals that are sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and in 2 b) those that are sited and designed to adapt to current and future risks from climate change. The site is well located with respect to local services, businesses and transport links. It will be constructed from sustainable construction materials to ensure building fabric performance, will include a blue roof, and incorporate air source heat pumps for water and space heating. Sustainable transport is prioritised by accessibility to the wider city for people visiting the site and by the provision of cycle storage. The site is not at risk of flooding, and it will result in the efficient use of a brownfield site. The proposed development accords with Policy NPF4 policy 2.

NPF4 policy 12 (zero waste) sets out that development proposals should seek to reduce, reuse, or recycle materials in line with the waste hierarchy. The application states that materials in the existing building are unlikely to be suitable for the proposed development. An embodied carbon report has been submitted with the application. This sets out that the retention of the existing building would potentially save some embodied carbon, but more significant savings would be made with the new proposed building which has a low operational energy and carbon consumption.

The applicant has advised that although the re-use of the existing building materials within the proposed new development is not appropriate, alternative uses should be sought for them, and the proposal will make effective reuse of a brownfield site and would be built using appropriate materials with a fabric first approach to insulation targets.

The proposals are therefore acceptable and meet the aims of NPF 4 policies 1, 2 ,9 and 12 in relation to climate change and mitigation.

Ecology

NPF4 policy 3 (Biodiversity) states that proposals for local development should include appropriate measures to conserve, restore and enhance biodiversity. The site is existing developed land with little opportunity for habitat. A Bat Preliminary Roost Assessment was carried out at the site. The findings were that the garage building and immediately surrounding habitats are of negligible suitability for roosting bats. No bats or their characteristic droppings, or any other signs of bats were found internally. The exterior of the building offered negligible opportunities for roosting, ingress, or egress by bats. The assessment concludes that a contribution to securing positive effects for biodiversity, and for enhancing the current ecological value of the development site should be provided.

A condition is recommended to require the inclusion of swift bricks and bat boxes within the new development to provide new habitat in accordance with NPF4 policy 3.

Height, scale, massing, design

Policy Des 2 (Co-ordinated Development) states that planning permission will be granted for development which will not compromise: a) the effective development of adjacent land; or b) the comprehensive development and regeneration of a wider area as provided for in a master plan, strategy or development brief approved by the Council. The proposal ties in appropriately to the existing hotel building to the east and would form a new gable boundary to the existing beer garden to the west. The proposal would be in accordance with LDP policy Des 2 and would not compromise the development of adjacent sites.

NPF4 Policy 14 (Design, quality, and place) supports development proposals that are designed to improve the quality of an area and are consistent with the six qualities of successful places. NPF4 policy 15 (Local living and 20-minute neighbourhoods) seeks development to contribute to local living. LDP Policies Des 1 (Design Quality and Context), Des 3 (Development Design - Incorporating and Enhancing Potential Features) and Des 4 (Development Design - Impact on Setting) ensure that developments will create or contribute towards a sense of place, based upon positive characteristics of the surrounding area, and planning permission will not be granted for poor quality or inappropriate design that would damage the surrounding character of the area. LDP policy Des 7 (layout design) sets out design principles for new development.

The proposed building is higher than the existing Lane Hotel, however, this would not be detrimental to the overall character of the street scene. There are a mix of building heights in the immediate area; the height of the proposed building will fit in well with the heights of buildings within its immediate context. It is set down below the maximum height of the listed Canny Man's public house. The applicant has provided detailed sections and elevations to demonstrate that the heights are appropriate in their immediate context, complying with LDP Policies Des 3 and Des 4. The scale of the building is appropriate; it relates well to the scale and massing of other developments within close proximity to the site.

The spatial character of the area is mixed with tenement scale flats, lower scale traditional dwellings properties and some commercial properties. The proposal will reflect the existing character and respects the street hierarchy by being of a more domestic scale than the traditional tenements along Morningside Road. The proposed building is stepped further forward slightly than the building line established by the Lane Hotel, allowing for some garden space to the front of the site. This is appropriate in this context; nearby buildings are positioned hard on the front boundary whilst others are set back from the street frontage.

The design is a modern interpretation of a three-storey mews design. The scale and built form of the proposals will contribute to the sense of place. It creates a contemporary addition, filling a gap site and providing an attractive frontage to Canaan Lane. The architectural style fits in with the street scene and existing developments in the locality reinforcing its identity. The proposed elevational treatment is relatively uniform, with a principal elevation facing Canaan Lane. Roof dormers break up the elevational form and provide interest. The proposed material palette is acceptable and is appropriate within the location; it will not detract from the character of the wider area. The design and the proposed materials are suitable for the context in compliance with LDP policy Des 1.

The proposal will incorporate a low stone wall and railings to the front boundary of the site which reflects and continues the existing boundary treatment to the front of the adjacent Lane hotel. This, together with a small area for planting, creates an attractive frontage to the development in accordance with LDP policy Des 3.

The applicant has confirmed that refuse collection for the development will be an expansion to the existing business and bins will be located in a newly designated area of the Canny Man's beer garden. The applicant has also confirmed that one of the ground floor units will be designed to be fully accessible. The other ground floor unit will have level access.

Overall, the proposal meets the aims of NPF4 policy 14 as it will improve the quality of the area and the aims of NPF4 policy 15 as it will make provision for new tourist related accommodation which is located close to existing facilities including access to good public transport and the Morningside Town Centre.

The proposal complies with the design policies of NPF4 and the LDP.

The proposals meet the requirements of the Edinburgh Design Guidance (EDG) as the proposed development will have a positive impact on its surroundings through height and form, scale and proportions, site layouts and materials utilised.

Amenity for Neighbours

LDP Policy Des 5 (Amenity) sets out criteria to ensure the amenity of neighbouring developments is not adversely affected. NPF 14 policy 14 (Design, Quality and Place) advises that proposals which are detrimental to the amenity of the surrounding area will not be supported. NPF 4 policy 23 (Health and safety), requires air quality and noise to be considered, and LDP Policy Hou 7 (Inappropriate Uses in Residential Areas), seeks to protect residential amenity. LDP policy Env 22 (Pollution and Air, Water and Soil Quality) requires development to have no significant adverse effects for health, the environment and amenity.

The property is located within a predominantly residential mixed-use area, close to the edge of the Morningside/ Bruntsfield town centre. There are residential properties in close proximity to the site, including a recently constructed residential block on the opposite side of Canaan Lane.

Supporting information provided with the application advises that the proposals will focus on providing sleeping accommodation with limited additional facilities (e.g. kitchen/cooking/bar operations are not included on any plans except for the two ground floor units). 24-hour daytime and nighttime management presence will be available. The applicant has also confirmed that patrons will eat within the adjacent public bar; no cooking ventilation is required to remove cooking odours within the hotel building.

The main noise issues associated with the premises will be externally as guests enter and leave the premises, and potential noise from the two rear facing garden terraces for use by the ground floor occupants. The applicant has advised that they will aim to manage the area for noise. The proposal is unlikely to cause significantly more noise than the existing use of the site and the adjacent beer garden etc. Due to the mixed nature of the surrounding premises, Environmental Protection does not expect the application premises' operations to adversely impact upon residential amenity any more than the existing and surrounding premises do at present.

A Noise Impact Assessment (NIA) has been provided with the application which considers noise from the proposed air source heat pumps. The NIA recommends a number of mitigation options available to ensure that noise does not impact upon residential amenity, and these include the installation of bolt on attenuators to the air source heat pumps to bring noise levels to an acceptable level. Environmental Protection have confirmed that this mitigation is acceptable.

Environmental Protection have recommended that Planning secure a condition to ensure that both operations remain tied in one ownership to enable operations of the application site and existing uses within the ownership of the applicant to be managed and controlled. A condition is recommended to that effect.

Environmental Protection raise no objections subject to conditions relating to land contamination, noise protection and operation of the hotel.

In relation to privacy, the development proposes bedroom windows at first and second floor to the rear elevation which would overlook the raised roof terrace directly to the south of the property. These windows would be less than three metres from the rear site boundary. The effected upper terrace area has an asphalt finish and a soil vent pipe and flue penetrating its surface, as well as two rooflights. It does not appear to be used for amenity or leisure purposes but is understood to have been used as a drying area in the past. In addition, the Lane Hotel already has windows which are in close proximity directly facing windows facing the adjacent residential property to the south. Given this, and that the site is within a dense environment, with tenement properties already demonstrating some overlooking, the impact on privacy on neighbouring property will not be significant. Window positions to the rear of the building are so that there is no direct window to window overlooking.

The applicant has submitted supporting information in relation to daylighting. In relation to neighbouring property, a daylighting assessment has been carried out to 6B and 7 Canaan Lane, and The Lane Hotel using the Vertical Sky Component (VSC) method and the Average Daylight Factor (ADF). A bedroom at the recently completed tenement block at 7 Canaan Lane and kitchen windows at 6B Canaan Lane failed the VSC assessment, and in accordance with the Edinburgh Design Guidance (EDG), the ADF assessment was then carried out. This showed both bedrooms and kitchens of nearby property passing the ADF assessment in compliance with the EDG.

The level of daylight reaching the rear of the Lane Hotel would be affected below first floor level. However, the assessment demonstrates that, although the resulting ADF of 0.72% is below the recommended ADF of 1% for bedrooms, the existing situation only allows for an ADF of 0.96%. The Lane Hotel is not in a residential use and the results of the ADF indicate that there would be minimal loss of daylighting to ground floor bedrooms over the existing situation.

In conclusion, in terms of daylighting to existing homes, the proposals are acceptable.

In terms of impact of sunlight to existing properties, Edinburgh Design Guidance states that new buildings should be laid out so that reasonable levels of sunlight are maintained to existing gardens and spaces. The applicant has demonstrated that the level of sunlight to the upper terrace directly to the rear of the site would be acceptable; it lies to the south of the site. The proposal would be acceptable and comply with the Guidance in this regard.

The applicant has provided supporting information in relation to site contamination and remediation; Environmental Protection recommend a condition to ensure the site will be made safe for the proposed end use. A condition is recommended to that effect.

The proposal will have an acceptable impact on the amenity of nearby residents. The proposal complies with LDP policy Des 5 and LDP policy Hou 7.

Flooding and drainage

NPF4 policies 20 (Blue and green infrastructure) and 22 (Flood risk and water management), and LDP policy Env 21 (Flood protection) are relevant.

The applicant has submitted a Drainage Strategy and Surface Water Management Plan in support of the application. The SEPA flood maps (both current and future) confirm that the site is not at risk from surface, fluvial or coastal flooding. CEC Flood Planning raise no objection to the proposals on flood risk grounds. In terms of flood risk the proposals are acceptable and meet the aims of NPF4 policy 22 and LDP policy Env 21.

In relation to surface water drainage, the SUDS measures proposed for the development are a permeable blue roof and permeable pavement areas. As well as these measure, the plans show the replacement of the adjacent beer garden surface material with permeable material to provide improved sustainable drainage for the whole site. The proposals in relation to drainage are acceptable and meet the aims of NPF4 policy 20.

The proposals are acceptable in relation to flooding and drainage.

Transport

NPF4 Policy 13 aims to encourage sustainable travel and LDP Policies Tra 2 - Tra 4 sets out the requirements for private car and cycle parking. The Edinburgh Design Guidance (EDG) sets out the maximum number of car, cycle, and motorbike parking requirements for new development.

The proposal will result in the loss of six existing car parking spaces at the site. No car parking spaces are proposed within the application site. However, the site is located close to good public transport links with several bus services available on Morningside Road.

In addition, the applicant states that there are four parking spaces available in the courtyard of 6 Canaan Lane behind the development site and that there are 20 spaces of on street metered parking within 200m of the site.

Cycle parking provision has not been proposed within the application site boundary; however, the applicant has clarified that two additional secure, under cover bicycle parking is to be provided in the existing Stables building, directly adjacent to the site.

Transport Planning raise no objections to the proposal and consider zero parking at the site to be acceptable. They request the provision of two cycle parking spaces to serve the development. As the Stables is within the ownership/ control of the applicant, a condition is recommended to ensure the implementation of the proposed cycle parking.

The proposal complies with NPF4 Policy 13 and LDP Policies Tra 2, 3 and 4.

Conclusion in relation to the Development Plan

d) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

Emerging policy context

On 30 November 2022, the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified. The applicant has confirmed that the two ground floor units will be accessible for disabled users. Due regard has been given to section 149 of the Equalities Act 2010.

Consideration has been given to human rights. Comments have been received in relation to privacy, home and family life and peaceful enjoyment of their possessions in relation to human rights. The assessment in section b) above considers the potential impacts on privacy and amenity to neighbouring property. No impacts have been identified through the assessment.

Public representations

For scheme one, a total of 32 objections were received including ones from The Architectural Heritage Society of Scotland and Morningside Community Council. A total of 27 letters of support was received.

For scheme two, thirteen letters of objection were received including one from The Architectural Heritage Society of Scotland and 59 letters of support, including one from Morningside Community Council.

A summary of the representations is provided below:

material considerations

Objections:

- Traffic and congestion will increase.
- Road and pedestrian safety concerns; especially for school children.
- Loss of parking; the existing car park is well used; insufficient parking provided.
- Does not comply with Edinburgh Design Guidance or the Morningside Conservation Area Character Appraisal.
- Does not respect character of conservation area or listed buildings.
- Materials not appropriate in conservation area.
- More information is needed in relation to buildings height in its context.
- Land ownership certificate errors and insufficient neighbour notification.
- Lack of information/ drawings scale, form not appropriate.
- Bin storage area removed/ new position impact/ impact on public realm?
- Building is too tall/ excessive height, too large, mass and profile is too big, overbearing, crammed in and too close to pavement, adverse impact on street scene.
- Style is inappropriate, not distinctive and area is already too built up.
- Footpaths should be provided either side.
- Loss of sunlight and daylight.
- Overshadowing.
- Loss of privacy.
- Increase in noise, including from air source heat pumps and disturbance/ adverse impact on residential amenity.
- No more short term let accommodation; it damages local community.
- Needs a European Protected Species survey for bats.
- Human rights implications; privacy, home and family life and peaceful enjoyment of their possessions.
- Blue roof would need to be built deeper and building would be higher impacting on daylight.
- Building is not sustainable.
- No lift; poor accessibility.

- Does not meet 6 qualities of successful places.
- Application should be refused or withdrawn.
- Application for Conservation Area consent should be submitted.
- Quality of lower accommodation compromised due to high rear boundary wall.
- Pollution increase.
- No assessment in relation to NPF4; proposal fails to comply with NPF4. Proposals fails to comply with LDP policies Des1, Des5, Env4, Env8 and Env9. It does not comply with NPF4 policies 1, 3, 7, 14, and 30; and
- Flood and drainage issues.

Support:

- Positive for the local economy.
- Will enhance the area and keep it lively.
- Will reflect the new development opposite.
- Existing family run business is very successful and a great addition.
- May relieve pressure for short terms let accommodation in the area.
- Helps tourism.
- Will fit in well into the environment and replace an unattractive car park.
- Proportions and materials fit in.
- Will bring employment.
- Car park is underused.
- There is demand for quality accommodation.
- Complementary and more modern design.
- Revised scheme addresses our concerns.
- Will add to the community; and
- Complies with the LDP.

These are addressed in section a) above.

Non-material considerations

- Views will be blocked.

Conclusion in relation to identified material considerations.

There are no equalities or human rights issues, and the material considerations do not raise any matters which would result in recommending the application for refusal. Therefore, the application should be granted.

Overall conclusion

Overall, the development is in accordance with the development plan. This proposal will deliver an extension of an existing use and is acceptable in principle. The proposals are acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. They would preserve the setting of the nearby listed building and enhance the character and appearance of the conservation area. The proposals will deliver a sustainable and well-designed scheme that will contribute to climate mitigation and adaptation. The design draws on the character of the surrounding area to create a strong sense of place and is consistent with the six qualities of successful places as set out in NPF4. There will be no adverse impact on the amenity of existing nearby residents. Flood and drainage proposals are acceptable. Transport generation and parking proposals are acceptable. Other material considerations support the presumption to grant planning permission.

Subject to recommended conditions and informatives, the proposal is acceptable and complies with National Planning Framework 4 and the aims of the 2016 Edinburgh Local Development Plan, as well as the Council's non-statutory Edinburgh Design Guidance and the Guidance on Listed Buildings and Conservation Areas. There are no material considerations that outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2.
 - i) Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
 - ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.

3. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
4. The noise mitigation measures for the proposed air source heat pumps as shown on drawing AL(P)05 rev B should be installed and operational prior to occupation of the development hereby approved, unless otherwise agreed with the Planning Authority.
5. The hotel accommodation hereby approved shall operate as an extension to the existing Canny Man's public house and should not be separated into different uses or operations unless agreed in writing by the Planning Authority.
6. 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.
7. Prior to occupation of the building hereby approved bat and swift boxes shall be installed at the site to the satisfaction of the Planning Authority.
8. The applicant is required to provide two cycle parking spaces in a secure and under cover location. A plan showing the location of these spaces shall be submitted for approval to the Planning Authority, and subsequently implemented.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to ensure the most efficient and effective rehabilitation of the site.
3. In order to safeguard the interests of archaeological heritage.
4. In order to safeguard the amenity of neighbouring residents and other occupiers.
5. To ensure the development hereby approved can operate without detriment to the amenity of the area.
6. In order to enable the planning authority to consider this/these matter/s in detail.
7. In the interest of improving biodiversity at the site.
8. In order to ensure that the level of off-street parking is adequate.

Informatives

It should be noted that:

1. 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.
2. 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.
3. Prior to construction, the applicant should confirm that Scottish Water accept the proposed surface water discharge rate to the combined network.
4. The existing vehicular access should be reinstated as footway as indicated on drawing AL(P)05 rev B.
5. The applicant should consider developing a Travel Plan including provision of 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.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - Local Development Plan

Date Registered: 9 February 2023

Drawing Numbers/Scheme

1, 2a-5a,6c,7a-14a,15, 16a-17a,18,19

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Karen Robertson, Senior planning officer
E-mail: karen.robertson@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: CEC Archaeology

COMMENT: No objection subject to a condition for an archaeological survey and evaluation.

DATE: 21 February 2023

NAME: Transport Planning

COMMENT: No objections subject to conditions.

DATE: 29 June 2023

NAME: Flood Planning

COMMENT: No objections. The scheme can proceed to determination.

DATE: 15 November 2023

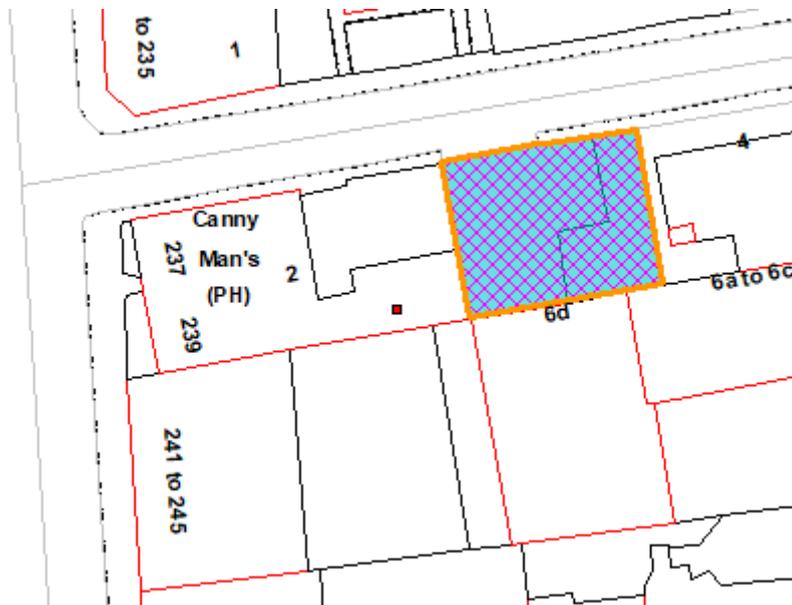
NAME: Environmental Protection

COMMENT: No objections subject to conditions relating to operation of use/ building, noise control and site investigation.

DATE: 6 December 2023

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

Location Plan



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