

Development Management Sub-Committee Report

Wednesday 4 September 2024

**Application for Planning Permission
3 West Coates, Edinburgh, EH12 5JQ**

Proposal: Change of Use from residential flatted property (Sui Generis) to hotel annex (Class 7) including enlargement of opening on west elevation to fit new door and fan light; alter door and screen and fit new double doors on north elevation.

**Item – Committee Decision
Application Number – 24/01997/FUL
Ward – B11 - City Centre**

Reasons for Referral to Committee

In accordance with the statutory scheme of delegation, the application has been referred for determination by the Development Management Sub-Committee as it has received more than twenty material support comments, and the recommendation is to refuse planning permission.

Recommendation

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

Summary

The proposals is acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. However, the proposal is unacceptable as it is contrary to NPF4 Policy 30 and LDP Policy Hou 7 due to the impact the development would have on residential amenity. The proposal would have a materially detrimental impact on residential amenity by virtue of noise and disturbance from guests, capable of utilising the premises 24 hours a day. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

This application site is the ground floor of a traditional large villa at 3 West Coates. The change of use and alterations relate specifically to the ground floor. A residential property is situated on the 1st floor of the building.

The site lies on the north side of West Coates which is a main arterial route (A8) into the city centre from the west. The area has a mix of commercial and residential uses.

The properties to the east and west are both hotels and the properties opposite, to the south side of West Coates, which is named Hampton Terrace, are a mix of hotels and residential use. To the north of the site lies the rear garden of a residential property on Wester Coates Avenue.

The site is located within the Coltbridge and Wester Coates Conservation Area.

Description of the Proposal

The application proposes a change of use from residential flatted property (Sui Generis) to hotel annexe (Class 7). External alterations to the property include the enlargement of an opening on the west elevation to fit a new door and fan light as well as the alteration of the door and screen on the north elevation to fit new double doors.

Supporting Information

- Design Statement.
- Economic Tourism Impact Report.
- Noise Impact Assessment.
- Noise Management Plan.
- Noise Technical Memo.
- Supporting Planning Statement.
- Scottish Tourism Alliance letter of support.
- Visit Scotland letter of support.

These are available to view on the Planning and Building Standards Online Service.

Relevant Site History

23/06277/FUL

3 West Coates

Edinburgh

EH12 5JQ

Change of use from residential flatted property (Sui Generis) to a hotel annex (Class 7) including enlargement of opening on west elevation to fit a new door and fanlight; alter door and screen and fit new double doors on north elevation.

withdrawn

18 December 2023

23/00776/FUL

3 West Coates

Edinburgh

EH12 5JQ

Change of use from flat to hotel annex, enlarge opening and fit new door and fan light, alter door and screen and fit new double doors.

Refused

8 August 2023

15/04606/FUL

3 West Coates

Edinburgh

EH12 5JQ

Change of Use from a Residential Property to a Hotel Annex. Enlarge Opening on West Elevation and Fit New Door and Fanlight, Alter Door and Screen on North Elevation and Fit New Double Doors at 3 West Coates.

Granted

21 January 2016

15/03771/FUL

3M 3A West Coates

Edinburgh

EH12 5JQ

Change of use from a residential property to a hotel annex containing 7 bedrooms, enlarge opening on west elevation and fit new door and fanlight, alter door and screen on north elevation and fit new double doors.

withdrawn

7 October 2015

06/03110/FUL

3 West Coates

Edinburgh

EH12 5JQ

Extension to existing house to accommodate study and lobby.

Granted

26 September 2006

01/03434/LBC

3 West Coates

Edinburgh

EH12 5JQ

Erect garage and garage store

Granted

31 January 2002

01/03434/FUL

3 West Coates

Edinburgh

EH12 5JQ

Erect garage and garden store (as amended to a double garage)

Granted

31 January 2002

00/01789/LBC

3-4 West Coates

Edinburgh

EH12 5JQ

(3-4 West Coates) Form hard standing and vehicular gates (as amended)

Granted

28 July 2000

00/01789/FUL
3-4 West Coates
Edinburgh
EH12 5JQ
(3-4 West Coates) Form hard standing and vehicular gates (as amended)
Granted
28 July 2000

Other Relevant Site History

No other relevant site planning history.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Environmental Protection

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

Publicity and Public Engagement

Date of Neighbour Notification: 8 May 2024

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 17 May 2024

Site Notices Date(s): 14 May 2024

Number of Contributors: 36

Section B - Assessment

Determining Issues

Due to the proposed development falling within a conservation area, this report will first consider the proposals in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- 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 character or appearance of the conservation area?

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

- *Managing Change - Conservation Areas*

The Coltbridge and Wester Coates Conservation Area Character Appraisal emphasises low density form of the area and the predominance of detached and semi-detached villas complemented by the profusion of mature trees, extensive garden settings, and stone boundary walls.

The alterations would form a new access door on the west elevation and new double doors on the north elevation as well as a new timber gate in the existing stone wall. The proposed changes represent minor alterations to the building. By virtue of their size, location and suitable materials, the works would not have a detrimental impact on the character and appearance of the conservation area.

Conclusion in relation to the conservation area

The proposal has regard to the desirability of preserving or enhancing the character or appearance of the conservation area. The proposal is acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) 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 Policy 1 Global Climate and Nature Crises
- NPF4 Policy 7 Historic Assets and Places
- NPF4 Policy 9 Brownfield, vacant and derelict land, and empty buildings
- NPF4 Policy 13 Sustainable Transport
- NPF4 Policy 30 Tourism
- LDP Policies Des 1 and Des 12
- LDP Policy Emp 10
- LDP Housing Policy Hou 7
- LDP Transport Policies Tra 2 and Tra 3

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

The non-statutory Guidance for Businesses is a material consideration that is relevant when considering LDP Policy Hou 7.

Conservation Area

The impact on the character and appearance of the conservation area has been assessed above in a). It is concluded that the proposal will not adversely impact on the character or appearance of the conservation area.

The proposal complies with NPF 4 Policy 7.

Global Climate and Nature Crises

NPF 4 Policy 1 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. NPF 4 Policy 9 states that development resulting in the sustainable reuse of vacant buildings will be supported.

The proposal is for the re-use of an existing ground floor property which is currently vacant. The development would result in the sustainable reuse of the premises. The proposal complies with NPF 4 Policy 1 and 9.

Principle

The proposal to form a hotel annexe on the ground floor of this detached house would comply with LDP Policy Emp 10 in that the site is located within the urban area and has good public transport access to the city centre. However, the proposal, for reasons which are fully outlined below, fails to comply with LDP Policy Hou 7 and NPF4 Policy 30 due to its potential impact on residential amenity.

The proposal complies with LDP Policy Emp 10.

Neighbouring Amenity

The change of use would result on the ground floor of this property changing from residential to a hotel annexe, whilst the first floor remains a private residential flatted dwelling.

A noise impact assessment, noise management plan (NMP) and noise technical memo have been provided in support of the application to address internal and external noise affecting the residential property above. The internal NIA recommends that an independent acoustic ceiling should be fitted within the ground floor application premises. The assessment advises that noise from operations within the hotel annexe should then be inaudible within the residential property above. In effect, it is anticipated that concerns in relation to internal noise have been addressed but this is based on the source noise levels staying within the parameters assessed. If guests cause louder noise levels e.g. amplified loud music etc then noise may not be fully controlled to within the envelope of the ground floor and could be audible within the property above.

The external NIA assesses hotel patrons with raised voice volume levels and predicts noise will be inaudible within the residential property above. The assessment is based on a predicted noise source level for patrons at a volume that may at times be exceeded and therefore there is no guarantee that such noise will always be inaudible within the residential flat above. The noise management plan highlights how external noise will be addressed and mitigated but this remains a reactive procedure and is in effect unenforceable in Planning terms. Should the hotel operator change in the future, there is no obligation on any new owners to adhere to such noise management protocols.

The applicant advises that there is an existing beer garden to the front of the Roseate Hotel which closes at 21:30 when all guests are moved inside. The supporting information advises that the beer garden facilities will not be extended to the garden of 3 West Coates. There is no guarantee that such agreements will be implemented in the future, nor can it be guaranteed by way of planning conditions. Again, should the hotel operator change in the future, there is no obligation on any new owners to adhere to such agreements.

Notwithstanding the possible controls that the applicant could exert over the behaviour of guests,, the occupiers of the flat above are entitled to expect a level of amenity that is commensurate with the residential status of the building and its grounds; the number of guests and frequency of movements relating to the proposed annexe would have the potential to be far greater than that normally associated with a residential use. The amenity of the residents of the flat would be compromised by virtue of strangers entering and exiting the curtilage of the building to access the annexe.

Environmental Protection has been consulted and it was recommended that the application be refused on the basis that the amenity of the residential property above could be affected by internal and external noise on a 24-hour basis.

Whilst a 2016 permission for a change of use from residential to hotel annex concluded that the proposal would not have an unacceptable effect on residential amenity, the Council is entitled to come to a fresh decision, having regard to the change in development plan and the introduction of NPF 4.

The proposal does not comply with NPF4 Policy 30 and LDP Policy Hou 7 due to its detrimental effect on neighbouring residential amenity.

Size, Scale and Design

The proposals are acceptable in terms of their design and form, choice of materials and positioning are compatible with the character of the existing building. The alterations will form a new access door on the west elevation and new double doors on the north elevation as well as a new timber gate in the existing stone wall.

The proposals comply with LDP Policies Des 1 and Des 12.

Transport

The proposal complies with NPF4 Policy 13 in that the proposed development will be accessible by a range of sustainable public transport modes. Numerous road, rail and cycle routes run within close proximity to the site and there will be no changes to the existing parking provision at the hotel.

There is no cycle parking proposed as part of the development. The number of additional bedrooms proposed (four) does not trigger the minimum cycle provision of one space per ten bedrooms as per the Edinburgh Design Guidance.

The proposals comply with LDP Policies Tra 2 and Tra 3.

Conclusion in relation to the Development Plan

The proposal does not comply with LDP Policy Hou 7 or NPF4 Policy 30 due to its potential impact on residential amenity.

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

The following material planning considerations have been identified:

Emerging policy context

On 5 April 2024, the Planning and Environmental Appeals Division published its report into the examination of the Proposed City Plan 2030 and supporting documents in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. On 27 June 2024, the Council accepted the recommendations and modifications required to the Proposed City Plan 2030. The Proposed City Plan 2030 has now been submitted to Scottish Ministers for their final consideration. At this time in the context of the consideration of this particular application limited weight can be given to the relevant policies of City Plan 2030 until the adoption of the plan.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

A total of thirty-five support comments and one objection have been received. It should be noted that five of the support comments are non-material.

A summary of the representations is provided below:

material support comments

- The proposal will have benefits for the community through attracting visitors, stimulating economic activity, and creating job opportunities; Officer comment - The potential adverse impact on residential amenity outweighs any potential benefits of increased tourism.
- The proposal will preserve the buildings historic form and character; Officer comment - This has been addressed above in section a).
- The existing traffic noise along the main arterial route far exceeds any external noise from the hotel and the addition of four more bedrooms will not impact on residential amenity; Officer comment - The impact on residential amenity has been assessed above in section b) and it was concluded that this has the potential to have a materially detrimental impact on the living conditions of nearby residents.
- Encouraging hotel accommodation over short-term lets is in line with the Council's objectives; Officer comment - The potential adverse impact on residential amenity outweighs any potential benefits of increased hotel accommodation in the city.

non-material support comments

- The hotel provides good service; Officer comment - This is not a material planning consideration.

A previous identical application was granted, indicating a precedent for such developments; Officer comment - Each application is assessed on its own merits.

material objections

- Increased noise and disturbance; Officer comment - This has been addressed above in section b).
- Damage to the fabric of the building; Officer comment - This has been addressed above in section a).

Conclusion in relation to identified material considerations.

These have been addressed above.

Overall conclusion

The proposal is acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. However, the proposal is ultimately unacceptable as it is contrary to NPF4 Policy 30 and LDP Policy Hou 7 due to its potential impact on residential amenity. The proposal would have a materially detrimental impact on residential amenity through noise from guests utilising the

premises 24 hours a day. There are no material considerations that outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions

Reasons

Reason for Refusal: -

1. The proposal is contrary to the Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as it would have a materially detrimental effect on the living conditions of nearby residents from guests utilising the premises 24 hours a day.
2. The proposal would be contrary to NPF4 Policy 30 - Tourism, as the nature of the proposal, with an increased frequency of people accessing the property and its grounds, relative to the existing residential use, would be detrimental to residential amenity.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 3 May 2024

Drawing Numbers/Scheme

01-07

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Stephanie Fraser, Planning Officer
E-mail: stephanie.fraser@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Environmental Protection

COMMENT: On balance, there still remains the possibility that the amenity of the residential property above could be affected by internal and external noise on a 24-hour basis.

Therefore, Environmental Protection recommends that the application be refused.

DATE:

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

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420