

Development Management Sub-Committee Report

Wednesday 21 June 2023

**Application for Planning Permission
22 Young Street North Lane, Edinburgh.**

Proposal: Change of use with alterations from office to form 3x short term let visitor accommodation.

**Item – Committee Decision
Application Number – 22/04402/FUL
Ward – B11 - City Centre**

Reasons for Referral to Committee

Given the level of public interest in relation to the issue of short term lets, it is considered appropriate that this application be determined by Committee.

Recommendation

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

Summary

The proposal is acceptable with regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will not harm the listed building, or its setting and it will preserve or enhance the character or appearance of the conservation area.

The site is situated in close proximity to a number of other visitor accommodations, including other STLs and a large hotel. This contributes to high levels of pedestrian footfall during the day and at night. The proposal is acceptable with regard to amenity and the character of the area as the change of use would not further detriment the residential amenity of the immediate area.

The proposal fully complies with NPF 4 policy 30, as the development will not have a detrimental impact of residential amenity or see the loss residential dwellings.

The proposal complies with the provisions of the Development Plan and there are no material considerations which outweigh this proposal.

SECTION A – Application Background

Site Description

The application site is a terraced two storey commercial property located at 22 Young Street North Lane, positioned between commercial and short term let properties. The property is currently accessed via a private street access with four garage car parking spaces and office space on the first floor.

Young Street North Lane is of mixed character, the southern side of the street has a mix of residential properties and office developments, and the northern side of the street serving as the rear entrances to hotels, offices or parking for properties that have their primary access from Queens Street. The surrounding area contains a mix of different uses, including offices, retail, cafes/restaurants, hotels and tourist attractions. Public transport links are easily accessible from the site, in the form of rail, bus and tram.

The application property is part of a category A listed building (30002), 03/03/1966.

The site is situated within the Edinburgh World Heritage Site, the New Town Gardens and Dean Historic Garden Designed Landscape and the New Town Conservation area.

Description of the Proposal

The application is for a change of use with alterations from office to form three short term let visitor accommodation.

Supporting Information

- National Planning Framework 4 Planning Statement.
- Planning Statement

Relevant Site History

22/04400/LBC

22 Young Street North Lane

Edinburgh

EH2 4JD

Alterations to existing office accommodation to form 3x studio flats for use as short-term lets

Granted

20 December 2022

Other Relevant Site History

No further relevant site history.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

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

Publicity and Public Engagement

Date of Neighbour Notification: 10 October 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 14 October 2022

Site Notices Date(s): 11 October 2022

Number of Contributors: 3

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 or its setting?

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

- Managing Change in the Historic Environment: Guidance on the principles of listed buildings
- Managing Change in the Historic Environment: Setting
- Managing Change in the Historic Environment: Interior

Managing Change in the Historic Environment: Interim Guidance on the principles of listed building consent sets out the principles for assessing the impact of a development on a listed building.

Managing Change in the Historic Environment: Setting sets out the principles that apply to developments affecting the setting of historic assets or places including listed buildings and conservation areas. It includes factors to be considered in assessing the impact of a change on the setting.

Impact on Listed Building

22 Young Street North Lane was developed as an ancillary development at the rear elevation of the 17 Young Street. 22 Young Street North Lane is a 2-storey terraced building, with garages at ground and a top-lit studio on the 1st floor. The property has seen contemporary development with the installation of PVC windows and metal garage doors.

The proposed alterations are sympathetic to the Listed Properties setting. The proposed changes will alter the form of the development; however, this would not be out of character to similar development in the immediate vicinity.

The proposal will not impact on any significantly important historical architectural features and therefore would not adversely impact on the architectural or historic merits of the listed building. The building has been subject to low quality modern interventions and the proposed development would not further detriment historical character of the property.

Conclusion in relation to the listed building

The proposal does not harm the character of the listed building, its setting, or the setting of neighbouring listed buildings. It is therefore acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) 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 New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

The proposed development is not out of character for its situation, with similar styles of development having already occurred. The proposed development would not further impact on the character and appearance of the conservation area, and therefore is acceptable.

Conclusion in relation to the conservation area

The proposals are acceptable with regard to section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

c) The proposals comply with the development plan?

The relevant NPF 4 and LDP 2016 policies to be considered are:

- NPF 4 Sustainable Places policies 1 and 7
- NPF 4 Productive Places Tourism policy 30
- LDP Housing Policy Hou 7.
- LDP Design Policy Des 12.
- LDP Transport Policies Tra 2 and Tra 3

The non-statutory 'Guidance for Businesses' is a material consideration that is relevant when considering change of use applications.

The non-statutory 'Listed Building and Conservation Area' guidance and 'Guidance for Householders' are material considerations that are relevant when considering NPF4 Policy 7 and LDP policy Des 12.

Listed Buildings, Conservation Area and World Heritage Site

There are both external and internal works proposed within the development. The changes that are to be made to the listed building would not have any effect to any significant historical architectural elements. The conversion and changes made to the garages are in keeping with similar development in the immediate environment, further Conservation Area and World Heritage Site.

As such there will be no significant impact on historic assets or places. The proposal therefore complies with NPF 4 Policy 7.

Design, form and neighbourhood character

The proposals are of an acceptable scale, form and design and are compatible with the existing dwelling. The proposals will preserve the character and appearance of the conservation area and built features which contribute to character, as detailed in section a) of the assessment.

The proposal complies with NPF4 policy 7 and LDP policy Des 12.

Proposed Use

With regards to NPF 4 Policy 1, the proposals are acceptable as it promotes the conservation and recycling of an existing asset and supports compact urban growth. The proposals will have a negligible impact on the global climate and nature crisis.

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. Criterion 30 (b) and (e) specifically relate to STL proposals.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas), seeks to protect residential amenity.

The non-statutory Guidance for Businesses (updated April 2023) states that an assessment of a change of use of dwellings to a short term let will have regard to:

- The character of the new use and of the wider area;
- The size of the property;
- The pattern of activity associated with the use including numbers of occupants, the period of use, issues of noise, disturbance and parking demand and
- The nature and character of any services provided.

Amenity

The proposed property has a main door access and is located close to an existing 'Yotel' hotel, which attracts pedestrian footfall and vehicle traffic to access the rear pedestrian and service entrances located opposite. The property is in immediate proximity to other STL uses. The change of use would not have a detrimental effect on the residential amenity of the immediate area.

The property is in close proximity to a number of leisure and tourist amenities, including restaurants, bars, hotels and other STLs. This contributes to high ambient noise levels in the street during the day and at night. Due to the character of the area being busy and of a mixed-use nature, the STL use will not have a detrimental impact on the character of the area.

The proposal complies with NPF 4 30(e) part (i) and LDP policy Hou 7.

Loss of residential accommodation

The application property is currently in commercial office use. Therefore, as the proposal does not involve the loss of residential accommodation NPF4 Policy 30 (e) part (ii) is not applicable.

Parking Standards

One garage parking will remain, however, zero parking is acceptable as there are no parking requirements for STLs. Cycles could be parked inside the property.

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

Conclusion in relation to the Development Plan

The proposal is acceptable with regard to amenity and the character of the area. The location of the property within North Young Street Lane is an area that experiences high levels of pedestrian footfall from existing visitor accommodation.

The change of use will not significantly impact on residential amenity within the immediate area and the proposed use is compatible with character of the surrounding area. The proposal complies with NPF 4 policy 30 (e) part (i). As the development is currently not within residential use NPF 4 policy 30 (e) part (ii) is not applicable.

The proposal complies with the provisions of the Development Plan and National Planning Framework.

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

The following material planning considerations have been identified:

Emerging policy context

City Plan 2030 represents the settled will of the Council, and it has been submitted to Scottish Ministers for examination. As such, limited 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.

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

The application received three public representations, two objections and one general.

material considerations in objection

- Loss of housing. Discussed within section c).
- Objections to the loss of historical elements. Discussed within a) and b).
- Concern in regards to the detrimental effect on residential amenity. Discussed within section c).
- Concern of parking on Young Street. Discussed within section c).

Conclusion in relation to other material considerations

The proposals do not raise any issues in relation to other material considerations identified which outweigh the conclusion in relation to the development plan.

Overall conclusion

The proposal is acceptable with regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will not harm the listed building, or its setting and it will preserve or enhance the character or appearance of the conservation area.

The site is situated in close proximity to a number of other visitor accommodations, including other STLs and a large hotel. This contributes to high levels of pedestrian footfall during the day and at night. The proposal is acceptable with regard to amenity and the character of the area as the change of use would not further detriment the residential amenity of the immediate area.

The proposal fully complies with NPF 4 policy 30 (e), as the development will not have a detrimental impact of residential amenity or see the loss residential dwellings.

The proposal complies with the provisions of the Development Plan and there are no material considerations which outweigh this proposal.

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.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 5 October 2022

Drawing Numbers/Scheme

01 - 08

Scheme 1

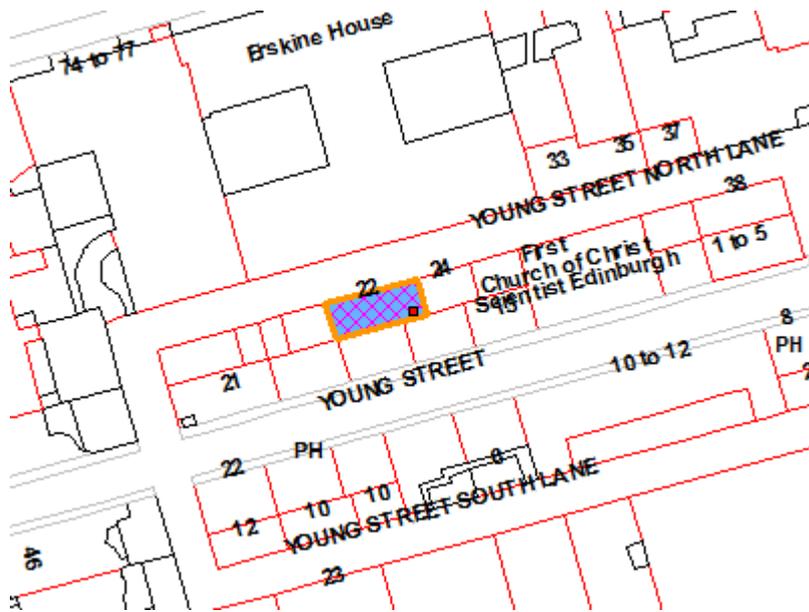
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Summary of Consultation Responses

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

Location Plan



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