

Development Management Sub Committee

Wednesday 27 August 2014

Application for Planning Permission 14/01197/FUL At 4B Gayfield Place, Edinburgh, EH7 4AB Change of use from office accommodation to guesthouse/B&B.

Item number	5.1
Report number	
Wards	A11 - City Centre

Summary

The proposed change of use to class 7 (hotels and hostels) complies with the development plan and non-statutory guidance. It is an appropriate use in this location and will preserve the character or appearance of the conservation area and will not adversely affect the character or setting of the listed building, residential amenity of neighbours or traffic and road safety. There will be no impact on equalities and human rights. There are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#) LPC, CITE6, CITH8, NSG, NSLBCA, NSBUS,

Report

Application for Planning Permission 14/01197/FUL At 4B Gayfield Place, Edinburgh, EH7 4AB Change of use from office accommodation to guesthouse/B&B.

Recommendations

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

Background

2.1 Site description

The application property is the lower ground floor and sub-basement levels of a classical, near-symmetrical, 4-storey with basement and attic tenement range. Access to this property is from the side lane which is Gayfield Place Lane. The building was designed by James Begg, circa 1791. It is an A listed building (listed on 19.04.1966, ref. 28798)

This application site is located within the New Town Conservation Area.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

The proposal is for a change of use of existing office space (class 4) to guesthouse or Bed and Breakfast (class 7).

3.2 Determining Issues

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of consent.

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

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 proposed use is appropriate in this location;
 - b) the proposals preserve or enhance the character and appearance of the conservation area;
 - c) the proposals have an adverse impact on the character or setting of the listed building;
 - d) there is any detrimental impact on neighbouring residential amenity;
 - e) there will be an acceptable level of amenity for future occupiers;
 - f) there is any detrimental impact on traffic or road safety;
 - g) any impacts on equalities and human rights are acceptable; and
 - h) comments raised have been addressed.
- a) The Acceptability of the Proposed Use in this Location

The application is for a bed and breakfast /guesthouse which falls within class 7. There are concerns on the part of the local community that the use would in fact be a hostel for homeless people and not as a bed and breakfast. However both these uses fall within class 7 and this application must determine whether the principle of a class 7 use in this location is appropriate.

Although it is clear that there is a substantial residential population in the area surrounding the application property, the area is also characterised by being part of a vibrant urban area with a variety of uses. As such, there is an inherent level of activity associated with this area and a class 7 use would not add to this in any significant way. Environmental Services has not objected to the proposals and it is not considered that a class 7 use in this location is inappropriate.

The proposed use is appropriate in this location.

b) Impact on the Character and Appearance of the Conservation Area

The New Town Conservation Area Character Appraisal notes that:

Gayfield, standing between the main routes to Leith has always been varied in character. It is beyond the commercial core of the City Centre yet not wholly within a clearly residential area. As a result there has always been a substantial residential population living amongst other uses. This variety has been extended by redevelopment and by the conversion of residential property to office use.

There are no proposed physical changes to the exterior of the building and the appearance of the conservation area will not be affected. The area is characterised by being part of a vibrant urban area with a variety of uses and a class 7 use in this location would not be out of character.

The character and appearance of the conservation area will be preserved.

c) The Impact on the Character or Setting of the Listed Building

This application is for a change of use and is not for any physical alterations to the building. Any proposed alterations would need to be assessed in a listed building consent application. The change of use in itself will not adversely impact on the character or setting of the listed building.

d) Neighbouring Amenity

The application is for a bed and breakfast use. Environmental Assessment has no objections to this use and note that Gayfield Place already experiences a high level of ambient noise and any increase in noise due to the change of use would not be unacceptable.

There will be no adverse impact on residential amenity.

e) Amenity of Future Occupiers

Planning is only able to assess the impact on the amenity of residential occupiers. Other user occupancies such as class 7 are not protected. Planning therefore has no remit to assess whether the property can provide an acceptable standard of accommodation. Building Standards would control any proposals to house people in basement rooms and would determine whether light and limited ventilation are adequate for this type of occupation. HMO regulations and licensing would control any use of the unit as an HMO.

In planning terms there are no issues of amenity of the occupiers.

f) Traffic or Road Safety Issues

Transport has no objections to the proposal subject to the contribution of £8,932 towards the tram project.

There are no issues of traffic or road safety.

g) Equalities and Human Rights Impacts

There may be possible impacts on human rights for neighbouring residents due to anti-social behaviour on the part of occupants of the property if the property becomes a hostel. The proposed use of bed and breakfast/guesthouse is class 7 and a hostel also falls within class 7. It is not within the remit of planning to be able to control any antisocial behaviour that may arise due to a use which, in planning terms, is acceptable.

There is no existing disabled access to the property and none is proposed. Due to constraints in terms of the listed building status and the physical restrictions of the site itself, it is not feasible to incorporate this feature in this property. Since there is other accommodation which offers disabled access to their premises, it is not considered unacceptable in this instance to maintain the existing situation.

There will be no impact on equalities and human rights.

An Equalities and Rights Impact Assessment has been completed.

h) Public Comments

Material representations

- Issues of process - The application was registered under the correct address with the correct owner. The neighbourhood notification was checked and found to be in order.
- Acceptability of the proposed use in this location - this has been assessed in section 2.3.a);
- Impact on conservation area - this has been assessed in section 2.3.b);
- Impact on listed building - this has been assessed in section 2.3.c);
- Impact on parking and road safety - this has been assessed in section 2.3.f);
- Impact on residential amenity - this been assessed in sections 2.3d and 2.3.e);
- Equalities - this been assessed in sections section 2.3.g).

Non-material representations

- Matters controlled under building warrant;
- The record of the applicant in administering other hostels; and
- The applicant would not contribute to communal repairs/garden.

These comments have not been assessed as they are non-material to the determination of this planning application.

Community Council Comments

The New Town and Broughton Community Council was not a statutory consultee but raised issues echoed by other letters of representation. In particular they raised concerns about process (addressed above in section 2.3.h); use and management of the facilities (addressed in section 2.3.a); and amenity for the occupants (addressed in section 2.3.e). The policies cited (HOU 4 and HOU 5) do not apply as this is not an application for a change of use to residential.

CONCLUSIONS

In conclusion the proposed change of use to class 7 (hotels and hostels) complies with the development plan and non-statutory guidance. It is an appropriate use in this location and will preserve the character or appearance of the conservation area, will not adversely affect the character or setting of the listed building, residential amenity of neighbours or traffic and road safety. There is no impact on equalities and human rights. There are no material considerations which outweigh this conclusion. A tram contribution of £8,932.00 is required.

Addendum to Assessment

Supplementary comments:

The application was considered at the Development Management Sub-Committee on 30 July, 2014.

The applicant has indicated that it is intended to have 4 single rooms and 4 double rooms for a potential total of 12 occupants. It is proposed that a staff member be on site 24 hours a day and be situated at a reception area beside the entrance.

Transport Planning has stated that the council approved development parking standards for this zone (2) do not require any parking for this type of development.

As the application site also lies within a controlled parking zone (peripheral 6) there is no opportunity for patrons arriving by car to park, during the controlled hours, in the residents bays. They can of course use the public bays. Gayfield Place Lane has a 24 hour (double yellow line) waiting restriction.

This site is centrally located with excellent public transport links.

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

3.4 Conditions/reasons/informatives

Conditions:-

Informatives

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation to transport infrastructure.
2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

Financial impact

4.1 The financial impact has been assessed as follows:

The granting of consent of this application will be the subject of the conclusion of a legal agreement for contribution of the sum of £8,932 towards the tram scheme.

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 was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

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

The application was advertised on 4 April 2014. In all there have been twenty letters of representation from neighbours, the New Town and Broughton Community Council, the Gayfield Place Owners Association, and a councillor.

Material Representations -

Material objections relate to:

- a) Issues of process:
 - Lack of information on drawings;
 - No pre-application discussions;
 - Incorrect address and therefore ownership certificate incorrectly filled out: and
 - Neighbourhood notification improperly done.
- b) Acceptability of the use in this location:
 - Existing use is more appropriate;
 - Over-development;
 - Already sufficient provision of HMOs, B and Bs and youth hostels in the area;
 - Residential use in the area is substantial and proposed use will affect residential amenity; and
 - Proposed use is really a hostel for homeless people.
- c) Impact on the conservation area:
 - Proposals will be detrimental to the character of the conservation area.
- d) Impact on the listed building:
 - Use not suitable for the listed building; and
 - Use requires substantial modifications to interior to house the proposed use which would affect its character.
- e) Traffic and road safety:
 - Increased parking and traffic problems.
- f) Residential amenity:
 - Proposals do not provide satisfactory amenity for the inhabitants of the premises; and
 - Neighbouring residential amenity will be adversely affected by noise, deliveries, rubbish, anti social behaviour and lack of control due to no on-site management

g) Equalities:

- Premises cannot accommodate the disabled.

Non-material Representations -

- Matters controlled under building warrant;
- The record of the applicant in administering other hostels; and
- The applicant would not contribute to communal repairs/garden.

Community Council Comments -

The New Town and Broughton Community Council commented on:

- The proposed use;
- Lack of information in drawings;
- Inappropriate facilities for accommodation;
- Over development;
- Contrary to HOU 4 and HOU 5; and
- No on-site warden.

A full assessment of the representations can be found in the main report in the Assessment Section.

Background reading / external references

- To view details of the application go to
- [Planning and Building Standards online services](#)

Statutory Development

Plan Provision

The application property is located within a town centre and on a route to be safeguarded for the tram. It is in the New Town Conservation Area.

Date registered

27 March 2014

Drawing numbers/Scheme

1-2,

Scheme 1

David R. Leslie

Acting Head of Planning and Building Standards

Contact: Barbara Stuart, Planning Officer

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Links - Policies

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

Policy Env 6 (Conservation Areas Development) sets out criteria for assessing development in conservation areas.

Policy Hou 8 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

Relevant Non-Statutory Guidelines

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

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.

Appendix 1

Consultations

Historic Scotland

We have considered your consultation and have no comments to make on the proposals. We confirm that your Council should proceed to determine the application without further reference to us.

Transport

I have no objections to the application subject to the following condition being applied.

Prior to the issuing of consent the applicant to enter into a suitable legal agreement to make provision for the following:

Contribute the sum of £8,932 towards the Council's tram scheme.
(The tram contribution has been based on a change of use from an office (323m²) to a bed and breakfast establishment (8 bedrooms). The development lies in zone 1)

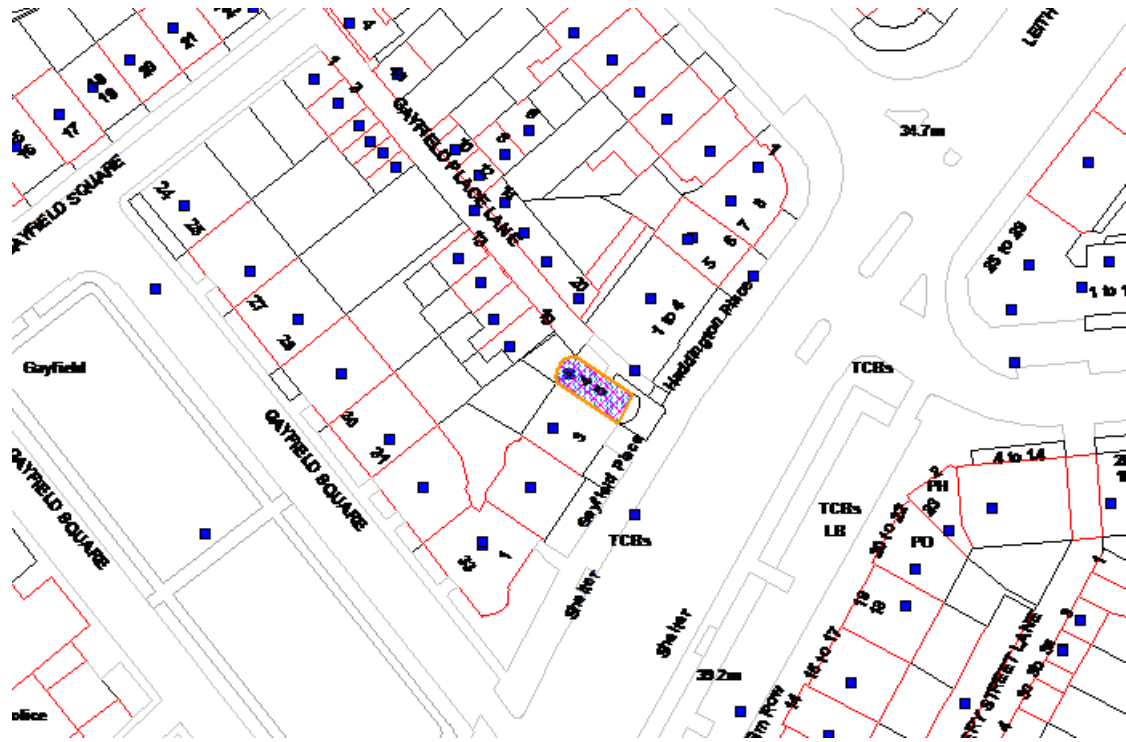
Environmental Assessment

The applicant proposes to change of use of the premises at 4B Gayfield PI from a office accommodation to a guesthouse/B&B.

The property occupies the lower ground and basement levels of a tenement building, both of which are accessed directly from the street. Directly above the property on the ground floor is a church with residential dwellings on the first floor, and in the adjacent tenement to the southwest.

There is a possible increase in noise generated associated with this change of use, however, Gayfield Place forms part of Leith Walk and there is already a high level of ambient noise. Environmental Assessment has no objection to this proposed development.

Location Plan



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