

Ballantrae Hotel Group
FAO Kim McFarlane
24 York Place
Edinburgh
EH1 3EP

Mr P Sharma
C/o Ballantrae Hotel Group
24 York Place
Edinburgh
EH1 3EP

5 March 2012

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS
2008

A development of hotel bedrooms as an extension to existing hotel at no. 39-47
Albany Street.
At 11 - 13 York Lane Edinburgh EH1 3HY

Application No: 11/03872/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 19
December 2011, this has been decided by **Local Delegated Decision**. The Council
in exercise of its powers under the Town and Country Planning (Scotland) Acts and
regulations, now determines the application as **Refused** in accordance with the
particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or
reasons for refusal, are shown below;

Reasons:-

1. The proposals are contrary to the Edinburgh City Local Plan Policies Des 3,
Env 1, Env 3, Env 6 and to the Non-Statutory Planning Guidelines on 'Mews' as the
scale, height, form, elevational treatment and materials of the proposed building and
associated linking walkway will have an adverse effect upon the setting of the listed
buildings and upon the character and appearance of the New Town Conservation
Area and World Heritage site.

Please see the guidance notes in the [decision pack](#) for further information, including how to appeal or review your decision. The decision pack forms part of your decision.

Drawings 02 - 11, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Portal](#)

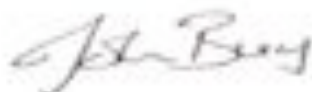
The reason why the Council made this decision is as follows:

The proposals are contrary to the development plan and non-statutory guidelines and are unacceptable.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Permitted development rights for householder applications changed on 6 February 2012. Visit our webpage at www.edinburgh.gov.uk/householderdevelopment for more information.

Should you have a specific enquiry regarding this decision please contact Daniel Lodge directly on 0131 529 3901.



John Bury
Head of Planning & Building Standards

NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The notice review should be addressed to the City of Edinburgh Planning Local Review Body, G2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

A development of hotel bedrooms as an extension to existing hotel at no. 39-47 Albany Street.

at

11 - 13 York Lane
Edinburgh
EH1 3HY

REPORT OF HANDLING - Local Delegated Decision Report

Purpose of report

This is a **Local Delegated Decision**, under the Council's scheme of delegation, detailing the considerations and determination of the application.

Main report

1 SITE DESCRIPTION AND HISTORY

Application site

The application site comprises a pitched roof single storey building containing four large garage type doors utilised for vehicle access/egress and storage with a separated pedestrian entrance. The building fronts York Lane and is utilised in connection with the hotel use of the site. The building is constructed from natural stone with a slate roof and a forward facing roof gable at its eastern end.

There are three concurrent applications for Conservation Area Consent, Listed Building Consent and a further application for planning permission listed below:

1. Application for Conservation Area Consent for the demolition of the existing garages and entrance to office submitted on the 19 December 2011 (ref: 11/03872/CON)
2. Application for Listed Building Consent for the erection of a detached extension to hotel for bedrooms and covered walkway submitted on the 19 December 2011 (ref: 11/04059/LBC)
3. Application for Planning Permission for a change of use to ancillary function/breakfast room for hotel at 39-47 Albany Street. New glazed link between 11-13 York Lane & 39-47 Albany Street & new glazed rooflight to function suite submitted on the 10 November 2011 (ref: 11/03616/FUL)

site history

September 1987 – Outline planning permission granted from former Cathedral Halls to residential use (ref: 1786/87/34).

06 April 1988 – Planning permission and listed building consent granted for the demolition of the pitched roof hall at the rear, alterations to up-grade the property and construct garages at York Lane level and new offices at the basement level at the rear (ref: 2689/87/52)

08 February 2008 - Listed Building Consent granted for the change of use from office to hotel extension + internal, external alterations (as amended) (ref: 07/04826/LBC).

12 March 2008 - Planning permission granted for the change of use from office to hotel (extension of existing hotel premises at 39 - 43 Albany Street) (ref: 07/04826/FUL).

23 November 2009 - Planning application withdrawn for the change of use from office to ancillary function room for hotel at 39-47 Albany Street, new glazed link between 11-13 York Lane and 39-47 Albany Street and new glazed rooflight to new function room (ref: 09/02572/FUL)

history of neighbouring sites

land adjacent to 11-13 York Lane

10 February 1999 - Planning permission granted to form two dwelling units in place of existing garage premises (ref: 97/00647/FUL).

21 York Lane

24 February 1999 - Planning permission granted for alterations and extension to garage to form garage and flat (ref: 97/00164/FUL)

24 November 1999 - Planning permission granted for the demolition of the existing garages and construct two semi-detached mews houses with integral garages (ref: 99/03023/FUL).

24 November 1999 - Conservation Area Consent granted for the demolition of the existing garages (ref: 99/03023/CON).

2 Pre-application process

Pre-application advice was given on the inappropriate scale and height of the proposals with regard to the planning guidelines on mews developments.

3 PLANNING POLICY AND GUIDANCE

The Edinburgh City Local Plan identifies the site as falling within the general 'Urban Area'

The site is also located within the curtilage of a Category A Listed building, the New Town Conservation Area and World Heritage Site.

Relevant Policies:

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.

Relevant policies of the Edinburgh City Local Plan.

Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

Policy Des 3 (Development Design) sets criteria for assessing development design.

Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its settings.

Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

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

Policy Env 5 (Conservation Areas – Demolition of Buildings) sets out criteria for assessing proposals involving demolition of buildings in conservation areas.

Policy Emp 5 (Hotel Development) sets criteria for assessing sites for hotel development.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'DAYLIGHTING, PRIVACY AND SUNLIGHT' set criteria for assessing proposals in relation to these issues.

Non-statutory guidelines 'MEWS' provide guidance for car parking and new development in rear mews lanes.

Non-statutory guidelines on the 'SETTING OF LISTED BUILDINGS' supplement local plan conservation and design policies, providing guidance for the protection and enhancement of the setting of listed buildings.

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.

4 CONSULTATIONS

Transport Planning - Development Control

Having considered the applicants statement (email 22/12/11) with regards to the use of the garages associated with the application address I offer no objections to the application.

Services for Communities - Environmental Assessment

No objections

5 REPRESENTATIONS

The application was advertised on the 30th December 2011. Two letters of objection have been received from neighbouring residents and one from amenity body objecting to the proposals on the grounds of:

1. Design
(Addressed in section (b) of the assessment)
2. Residential amenity and traffic
(Addressed in section (c) of the assessment)

6 OFFICER'S OBSERVATIONS

Description of development

It is proposed to demolish the garage / store building fronting York Lane and erect a three storey building in its place. The building will accommodate a further fourteen bedrooms and will be linked to the existing hotel via an external stair and canopy. The proposed building will have a pitched roof with dormer windows within its roof plane. The building will utilise reconstituted stone with quoin, sill and lintel elements framing the timber framed windows to the principal elevation fronting York Lane. To the rear, the pitched roof form is punctuated by two large dormer windows, flat roof elements and a two storey rear projection. The rear elevation will be finished in white painted render with sections of timber panelling. The linking staircase and boundary treatment utilises render and glass bricks.

No drawings of the east and west gable elevations of the proposed building have been provided.

Assessment

The following should be considered:

- a) whether the proposed mews building is acceptable in principle at this location
- b) whether the proposals have an adverse effect on the setting of the listed buildings or character or appearance of the conservation area; and
- c) whether the proposed use will be detrimental to residential amenity or road safety

a) The Edinburgh City Local Plan identifies the application site as lying within the broad 'Urban Area' land use allocation of which the existing use of the site as a hotel has been previously established. The further expansion of a hotel use on this site is in compliance with the Policy Emp 5 of the Edinburgh City Local Plan and is acceptable in principle.

The original rear garden area has been developed into accommodation in association with the previous use of the site as an office and more recently a hotel with the further erection of a single storey building positioned at the foot of the site fronting York Lane. York Lane and Dublin Street Lane South is characterised by a variety of sympathetic and unsympathetic infill developments, mainly stone / rendered modern mews or single storey garages.

The presence of new mews dwellings changes the character of the lane within the conservation area to one of mews houses, despite the historical lack of traditional mews buildings along the lane. A new mews building would be characteristic of the area as it is at present.

b) The New Town Conservation Area character appraisal identifies the following characteristics relevant to this proposal

** The use of the grid layout forms throughout the area provides a formal hierarchy of streets with controlled vistas and planned views.*

** The grid hierarchy of grand streets, lesser streets, lanes and mews throughout the conservation area.*

** The designed relationship of stoned buildings, pavements and setted roads gives a disciplined unity and cohesion to the conservation area*

** The consistent relationship of the buildings and building line to the layout of streets and footways which retain the original street geometry and the original surfaces.*

** The retention of mews and lanes, largely in their original form contributes to the character of the area*

** The standard palette of materials includes blonde sandstone, timber windows and pitched slated roofs.*

The proposed development does not comply with the Council's Planning Guidelines on 'Mews' in terms of its scale, form and design of the proposed building. The proposed

building is of an inappropriate width, height, depth and form demonstrating no understanding of proportion, fenestration, or solid to void ratio within its elevational detailing. The proposed building and covered walkway are wholly unacceptable and devoid of any consideration of their context.

The use of render on the rear elevation, and of reconstituted stone on the street façade, are inferior materials not appropriate for the New Town Conservation Area where the planning guidelines clearly states that natural stone is required.

The size, elevational treatment and materials of the proposed mews development will adversely affect the setting of the principal listed buildings along Albany Street where public views along the rear elevations of the terrace will be compromised by the scale and proximity of the proposed building. The proposals will adversely affect the character and appearance of the New Town Conservation Area and World Heritage Site.

d) The height of the proposed walkway boundary and its proximity with the residential property to the west is of concern. No details of the neighbouring property have been provided on the location or site plans to allow for an assessment of the proposals impact upon neighbouring sunlight or daylight levels. Should other aspects of the proposals have been acceptable a study of sunlight/daylight implications would have been sought.

Given the use of the parent property as a hotel, there is no significant adverse effect on neighbouring residential amenity by way of loss privacy. Regarding road safety issues, Transport has no objection to the scheme. The proposals will not be detrimental to road safety.

In conclusion, the size, elevational treatment and materials of the proposed mews development will adversely affect the setting of the listed buildings along Albany Street and the New Town Conservation Area contrary to policies Env1, Env3 and Env6 of the Edinburgh City Local Plan and to Council's Planning Guidelines on Mews development, in that its design height and form does not conform to the stated dimensions and criteria imposed in order to retain consistency in massing and design within such lanes in the World Heritage Site and the New Town Conservation Area.

It has not been adequately established if the development is acceptable in terms of its impact upon neighbouring residential amenity.

There are no road safety concerns.

There are no other material considerations which outweigh these conclusions.

It is recommended that the application is refused.

7 Reason for decision

The proposals are contrary to the development plan and non-statutory guidelines and are unacceptable.

8 **Date of Site Visit:** 17.01.2012

9 **Recommendation**

It is recommended that this application be **REFUSED**

Reasons

1. The proposals are contrary to the Edinburgh City Local Plan Policies Des 3, Env 1, Env 3, Env 6 and to the Non-Statutory Planning Guidelines on 'Mews' as the scale, height, form, elevational treatment and materials of the proposed building and associated linking walkway will have an adverse effect upon the setting of the listed buildings and upon the character and appearance of the New Town Conservation Area and World Heritage site.

John Bury	
Head of Planning & Building Standards	
Contact/Tel	Daniel Lodge on 0131 529 3901
Ward Affected	City Centre
Local Plan	
File	
Date Registered	19 December 2011
Overall Expiry Date	27.01.2012
Drawing Nos &	02 - 11

Scheme	Scheme 1
--------	----------

Decision making Process: Core Questions

Application Number: 11/03872/FUL	Address: 11 - 13 York Lane Edinburgh EH1 3HY			
Questions	Answers			
Section 1:	Yes	No	Answer	Initials
TO BE COMPLETED BY PRINCIPAL PLANNER PRIOR TO ALLOCATION TO DETERMINE ANTICIPATED METHOD OF DETERMINATION.				
Is the application controversial or of significant public interest, or is it likely to have a significant impact on the environment?	Refer to Committee	Go to next question	No	HM
Has the application been submitted by, or on behalf of, an Elected Member of the authority, or by an officer involved in the statutory planning process, or by a partner/close friend/relative of either?	Refer to Committee	Go to next question		
Is the application for local development where the Council has an interest?	Refer to Committee	Go to next question		
If not a local development and submitted by, or on behalf of, the Council, is the application for more than routine minor works?	Refer to Committee	Go to next question		
Does the application involve the removal or amendment of conditions previously applied by Committee?	Refer to Committee	Go to next question		
Is the application for Hazardous Substance Consent?	Refer to Committee	Go to next question	No	HM
Section 2	Yes	No	Answer	Initials
• TO BE COMPLETED BY THE CASE OFFICER ON RECEIPT OF THE APPLICATION				
Has the application been assessed as PNR, NDV or PD or has it been withdrawn?	Fast Track Decision	Go to next question	N	AC
Is the application for a non-material variation?	Fast Track Decision	Go to next question	N	AC
Section 3	Yes	No		
• TO BE COMPLETED BY THE CASE OFFICER ONCE PERIOD FOR COMMENTS EXPIRES				
Has the application been requested for referral to the Committee by an elected member and is the referral justified?	Refer to Committee	Go to next question	N	AC
If recommendation is for APPROVAL: Has the application attracted more than 6 material objections?	Refer to Committee	Go to next question	N	AC
If recommendation is for APPROVAL: Are there outstanding objections from consultees?	Refer to Committee	Go to next question	N	AC
If recommendation is for REFUSAL: Has the application attracted more than 6 material letters of support?	Refer to Committee	Go to next question	N	AC
Has the application been assessed as suitable for delegation?	Refer to sections 4 and 5	Refer to Committee	Y	AC
Section 4	Yes	No	Answer	Initials
• TO BE COMPLETED BY THE CASE OFFICER PRIOR TO WRITING REPORT				
Is the proposal in accordance with policies within the statutory development plan (Structure Plan and Local Plan)?	Go to next question	Refer to Committee unless recommending	N	AC

CONSULTATIONS

APPLICATION NUMBER:

APPLICATION ADDRESS

11/03872/FUL

11 - 13 York Lane
Edinburgh
EH1 3HY

APPLICATION NUMBER:		APPLICATION ADDRESS						
11/03872/FUL		11 - 13 York Lane Edinburgh EH1 3HY						
PC	Dev. Control	<input type="checkbox"/>	External Consultees	LW	Scottish Water (e)	<input type="checkbox"/>		
PD	Design Officer (e)	<input type="checkbox"/>						
PE	Enforcement (e)	<input type="checkbox"/>	AS	B.A.A. Plc (e)	<input type="checkbox"/>	MD	Ministry Of Defence	<input type="checkbox"/>
PH	Listed Buildings (e)	<input type="checkbox"/>						
PL	Landscape (e)	<input type="checkbox"/>	BC	Coal Authority (e)	<input type="checkbox"/>	NE	Seps (e)	<input type="checkbox"/>
PN	Natural Heritage (e)	<input type="checkbox"/>	BD	British Geological Survey (e)	<input type="checkbox"/>	NH	Scot. Nat. Heritage (e)	<input type="checkbox"/>
PP	Policy (e)	<input type="checkbox"/>	BE	Network Rail (e)	<input type="checkbox"/>	NM	Nat. Museum Of Scot	<input type="checkbox"/>
	City Of Edinburgh Council		BW	British Waterways (e)	<input type="checkbox"/>	NPF A	Nat Playing Fields Assoc (e)	<input type="checkbox"/>
EA	Archaeological Officer (e)	<input type="checkbox"/>						
ED	Asset Management	<input type="checkbox"/>	CD	Edinburgh Access Panel (e)	<input type="checkbox"/>	RB	RSPB (e)	<input type="checkbox"/>
EF	Economic Development	<input type="checkbox"/>	CO	Police (e)	<input type="checkbox"/>	RC	Budger Group	<input type="checkbox"/>
EG	Housing (HMO) (e)	<input type="checkbox"/>	CS	Sports Scotland (e)	<input type="checkbox"/>	RS	CTC Scotland (e)	<input type="checkbox"/>
EH	Affordable Housing (e)	<input type="checkbox"/>				RL	EARL (e)	<input type="checkbox"/>
EN	Environmental Services (e)	<input type="checkbox"/>	DB	Scottish Borders Council	<input type="checkbox"/>	RW	Scot. Rights Of Way Sec. (e)	<input type="checkbox"/>
ER	Culture & Leisure Department (e)	<input type="checkbox"/>	DE	East Lothian Council (e)	<input type="checkbox"/>			
ET	Transportation (e)	<input type="checkbox"/>	DM	Midlothian Council (e)	<input type="checkbox"/>	SH	Royal Parks SOED	<input type="checkbox"/>
EU	Corporate Property (reaffirmed) (e)	<input type="checkbox"/>	DN	West Lothian Council (e)	<input type="checkbox"/>	SM	Ancient Monuments	<input type="checkbox"/>
EW	Transportation bridges & flooding (e)	<input type="checkbox"/>	DX	Fife Council	<input type="checkbox"/>	SN	Historic Buildings	<input type="checkbox"/>
LC	Country Park (e)	<input type="checkbox"/>				STB	Transport Scotland (e)	<input type="checkbox"/>
LE	Education (e)	<input type="checkbox"/>	FA	Architecture & Design Scotland (e)	<input type="checkbox"/>	SS	Scottish Executive	<input type="checkbox"/>
LEGAL	Legal Services	<input type="checkbox"/>	FB	Fire Brigade (e)	<input type="checkbox"/>	SSE	Scottish Exec. Air climate (e)	<input type="checkbox"/>
LM	Public Transport Unit (e)	<input type="checkbox"/>	FET A	Forth Estuary Transport Auth.	<input type="checkbox"/>			
LS	Health & Social Care (e)	<input type="checkbox"/>	FF	Forth Fish Conservation Trust	<input type="checkbox"/>	TB	Tourist Board	<input type="checkbox"/>
LT	Trading Standards (e)	<input type="checkbox"/>	FP	Forth Ports (e)	<input type="checkbox"/>	TT	Theatres Trust (e)	<input type="checkbox"/>
						TE	Dundas & Wilson	<input type="checkbox"/>
			GB	Edinburgh Green Belt (e)	<input type="checkbox"/>			
						UE	Scottish Power	<input type="checkbox"/>
			HB	Health Board	<input type="checkbox"/>	UG	National Grid (e)	<input type="checkbox"/>
			HS	Health & Safety Executive	<input type="checkbox"/>			
					<input type="checkbox"/>	WH	E.W.M.T (e)	<input type="checkbox"/>
						WS	Waste Services	<input type="checkbox"/>
						WT	Wildlife Trust (e)	<input type="checkbox"/>

Is the proposal in accordance with non-statutory Council adopted policy, or an infringement of policy would be so minor that refusal or amendment would be unjustified?	Go to next question	refusal Refer to Committee unless recommending refusal			
Does the application require a Section 75 legal agreement with sums over £250,000?	Refer to Committee	Go to next question			
Section 5 • TO BE COMPLETED BY THE CASE OFFICER TO DETERMINE DELEGATION ROUTE		Yes	No	Answer	Initial
Is the application a local development recommended for APPROVAL and has the application attracted no representations, no objections from consultees AND the proposal is in accordance with policies within the statutory development plan and non-stat guidelines?	Local fast track decision	Go to next question			
Is the application a non-local development recommended for APPROVAL and has the application attracted no representations, no objections from consultees AND the proposal is in accordance with policies within the statutory development plan and non-stat guidelines?	Delegated fast track decision	Go to next question			
Is the application a local development suitable for delegation but not fast track decision	Local delegated decision	Go to next question			
Is the application a non-local development suitable for delegation but not fast track decision	Delegated decision	END			
Section 6 • CERTIFICATION					
Case Officer signature <i>[Signature]</i>	Date <i>28.02.2012</i>				
1 st chartered planner signature <i>[Signature]</i>	Date <i>5.3.2012</i>				
(NB If fast track, only one signature required at principal level or above)					
2 nd chartered planner signature <i>[Signature]</i>	Date <i>5.3.2012</i>				