

# Notice of meeting and agenda

## Development Management Sub-Committee

**10.00 am Wednesday, 29th July, 2020**

Virtual Meeting - via Skype

This is a public meeting and members of the public are welcome to watch the meeting via the online webcast.

### Contacts

Email: [jamie.macrae@edinburgh.gov.uk](mailto:jamie.macrae@edinburgh.gov.uk) / [blair.ritchie@edinburgh.gov.uk](mailto:blair.ritchie@edinburgh.gov.uk)

Tel: 0131 553 8242 / 0131 529 4085

## 1. Order of Business

---

- 1.1 Including any notices of motion, hearing requests from ward councillors and any other items of business submitted as urgent for consideration at the meeting.
- 1.2 Any member of the Council can request a Hearing if an item raises a local issue affecting their ward. Members of the Sub-Committee can request a presentation on any items in part 4 or 5 of the agenda. Members must advise Committee Services of their request by no later than **1.00pm on Monday 27 July 2020** (see contact details in the further information section at the end of this agenda).
- 1.3 If a member of the Council has submitted a written request for a hearing to be held on an application that raises a local issue affecting their ward, the Development Management Sub-Committee will decide after receiving a presentation on the application whether or not to hold a hearing based on the information submitted. All requests for hearings will be notified to members prior to the meeting.

## 2. Declaration of Interests

---

- 2.1 Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

## 3. Minutes

---

- 3.1 Minutes of the Development Management Sub-Committee of the 1 July 2020 – submitted for approval as a correct record 9 - 14

## 4. General Applications and Miscellaneous Business Reports

---

- 4.1** 13 Castle Street, Edinburgh - Change of use from offices to serviced apartments (as amended) - application no 20/01896/FUL – Report by the Chief Planning Officer 15 - 30
- It is recommended that this application be **GRANTED**.
- 4.2** 13 Castle Street, Edinburgh - Alterations to form serviced apartments from offices (as amended) - application no 20/01897/LBC – Report by the Chief Planning Officer 31 - 42
- It is recommended that this application be **GRANTED**.
- 4.3** Flat 1, 1 Saunders Street, Edinburgh - Change of property use from residential to short term let. The property will be used for a mixture of family use and short term letting. The flat is ground floor with its own door access via a private garden. - application no 20/00724/FUL – Report by the Chief Planning Officer 43 - 54
- It is recommended that this application be **GRANTED**.
- 4.4** 5 South Charlotte Street, Edinburgh, EH2 4AN - Change of use from office to short term holiday let - application no 20/01540/FUL – Report by the Chief Planning Officer 55 - 70
- It is recommended that this application be **GRANTED**.

## 5. Returning Applications

---

**These applications have been discussed previously by the Sub-Committee. A decision to grant, refuse or continue consideration will be made following a presentation by the Chief Planning Officer and discussion on each item.**

- 5.1** 94 Ocean Drive, Edinburgh (At Land 143 Metres Southeast Of) - Residential development of 338 flats over 4 apartment buildings with heights of 10 storeys (Building A), 14 storeys (Building B), 12 storeys (Building C) and 10 storeys (Building D) with two commercial units (Class 1,2,3 and 4), car parking and associated landscaping (as amended) - application no 19/02778/FUL – 71 - 74

Report by the Chief Planning Officer

It is recommended that this application be **GRANTED**.

## 6. Applications for Hearing

---

The Chief Planning Officer has identified the following applications as meeting the criteria for Hearings. The protocol note by the Head of Strategy and Insight sets out the procedure for the hearing.

6.1 None

## 7. Applications for Detailed Presentation

---

The Chief Planning Officer has identified the following applications for detailed presentation to the Sub-Committee. A decision to grant, refuse or continue consideration will be made following the presentation and discussion on each item.

7.1 St Joseph's Nursing Home, 41 - 45 Gilmore Place, Edinburgh - 75 - 108  
Student accommodation redevelopment of existing C-listed building providing 230 beds over 29 flats with associated amenity and external landscaping, demolition of extensions and outbuildings and erection of 3 new buildings in rear courtyard - application no 19/06070/FUL – Report by the Chief Planning Officer

It is recommended that this application be **GRANTED**.

7.2 St Joseph's Nursing Home, 41 - 45 Gilmore Place, Edinburgh - 109 - 124  
Conversion to student residential accommodation with communal facilities at ground floor and in chapel; demolish existing east and west outbuildings and extensions and replace with new 3 storey accommodation around retained landscaped courtyard - application no 19/06072/LBC – Report by the Chief Planning Officer

It is recommended that this application be **GRANTED**.

7.3 Proposed naming of a street to honour George Grubb – Report 125 - 130  
by the Executive Director of Place

It is recommended that the Committee considers whether there is justification to vary the street naming criteria set out in the Statutory Addressing Charter in relation to the request to use the name George Grubb at this time.

## **8. Returning Applications Following Site Visit**

---

**These applications have been discussed at a previous meeting of the Sub-Committee and were continued to allow members to visit the sites. A decision to grant, refuse or continue consideration will be made following a presentation by the Chief Planning Officer and discussion on each item.**

8.1 None

## **9. Pre-Application Notices**

---

**The key issues for the Pre-Application reports and the recommendation by the Chief Planning Officer or other Chief Officers detailed in their reports on applications will be approved without debate unless the Clerk to the meeting indicates otherwise during “Order of Business” at item 1.**

**The Pre-Application reports listed below are for noting only and provides the opportunity to raise key issues. Any comments should be emailed direct to the case officer.**

<b>9.1</b>	Forthcoming application by Aviva Life & Pensions UK Limited. for Proposal of Application Notice at Rosebery House, 9 Haymarket Terrace, Edinburgh - Demolition of existing office building and erection of new office development (Class 4) with associated ancillary uses, public realm, landscaping and car parking - application no 20/02505/PAN – Report by the Chief Planning Officer	131 - 138
------------	--	-----------

## 10. Extended Delegation Decisions

---

The reports listed below have been decided by the Chief Planning Officer, in consultation with the Convener and Vice-Convener of the Development Management Sub-Committee, using the Extended Delegated Powers agreed by the Leadership Advisory Panel held on 31 March 2020.

10.1 None

### Laurence Rockey

Head of Strategy and Communications

### Committee Members

---

Councillor Neil Gardiner (Convener), Councillor Maureen Child (Vice-Convener), Councillor Chas Booth, Councillor Mary Campbell, Councillor George Gordon, Councillor Joan Griffiths, Councillor Max Mitchell, Councillor Joanna Mowat, Councillor Rob Munn, Councillor Hal Osler and Councillor Cameron Rose

### Information about the Development Management Sub-Committee

---

The Development Management Sub-Committee consists of 11 Councillors and is appointed by the City of Edinburgh Council.

### Further information

---

If you have any questions about the agenda or meeting arrangements, please contact Jamie Macrae, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 553 8242 / 0131 529 4085, email [jamie.macrae@edinburgh.gov.uk](mailto:jamie.macrae@edinburgh.gov.uk) / [blair.ritchie@edinburgh.gov.uk](mailto:blair.ritchie@edinburgh.gov.uk).

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to [www.edinburgh.gov.uk/cpol](http://www.edinburgh.gov.uk/cpol).

### Webcasting of Council meetings

---

Please note this meeting may be filmed for live and subsequent broadcast via the Council's internet site – at the start of the meeting the Convener will confirm if all or part of the meeting is being filmed.

The Council is a Data Controller under current Data Protection legislation. We broadcast Council meetings to fulfil our public task obligation to enable members of the public to observe the democratic process. Data collected during this webcast will be retained in accordance with the Council's published policy including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site.

Any information presented by individuals to the Council at a meeting, in a deputation or otherwise, in addition to forming part of a webcast that will be held as a historical record, will also be held and used by the Council in connection with the relevant matter until that matter is decided or otherwise resolved (including any potential appeals and other connected processes). Thereafter, that information will continue to be held as part of the historical record in accordance with the paragraphs above.

If you have any queries regarding this, and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact Committee Services ([committee.services@edinburgh.gov.uk](mailto:committee.services@edinburgh.gov.uk)).

This page is intentionally left blank



# Minutes

## Development Management Sub-Committee of the Planning Committee

10.00 am, Wednesday 1 July 2020

### Present:

Councillors Gardiner (Convener), Child (Vice-Convener), Booth, Mary Campbell, Gordon, Griffiths, Mitchell, Mowat, Munn, Osler and Rose.

### 1. Minutes

---

#### Decision

To approve the minute of the Development Management Sub-Committee of 17 June 2020 as a correct record.

### 2. General Applications and Miscellaneous Business

---

The Sub-Committee considered reports on planning applications listed in Sections 7 and 9 of the agenda for this meeting.

#### Requests for Presentations

None

#### Requests for Hearings

Ward Councillor Scott Arthur requested a hearing in respect of Item 7.2 - Torphin Road (Car Park), Edinburgh.

#### Declaration of interest

Councillor Mary Campbell declared a non-financial interest in item 9.1 - Forthcoming application for Proposal of Application Notice at Land at Festival Square, Edinburgh - as a family member was employed there and took no part in consideration of the item.

#### Decision

To determine the applications as detailed in the Appendix to this minute.

#### Dissent

Councillor Booth requested that his dissent be recorded in respect of the decision on Item 7.1 – Cameron Toll Shopping Centre, 6 Lady Road, Edinburgh.

(Reference – reports by the Chief Planning Officer, submitted.)

### 3. Torphin Road (Car Park), Edinburgh

---

Details were provided of an application for a new residential building, comprising 9 flats and 2 houses, with associated infrastructure, landscaping and engineering works (as amended) at Torphin Road (Car Park), Edinburgh - application no 19/01036/FUL.

The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the application be refused.

#### **Motion**

To agree not to continue the application for a hearing and to agree to determine the application at the meeting of the Development Management Sub Committee of 1 July 2020.

- moved by Councillor Gardiner, seconded by Councillor Child.

#### **Amendment**

To continue the application for a hearing at a future Development Management Sub-Committee.

- moved by Councillor Rose, seconded by Councillor Mowat.

#### **Voting**

For the motion: - 6 votes

For the amendment: - 5 votes

For the motion: (Councillors Mary Campbell, Child, Gardiner, Mitchell, Munn and Osler.)

For the amendment: (Councillors Booth, Gordon, Griffiths, Mowat and Rose.)

#### **Decision**

To agree not to continue the application for a hearing and to agree to determine the application at the meeting of the Development Management Sub Committee of 1 July 2020.

(Reference – report by the Chief Planning Officer, submitted.)

#### **Motion**

To refuse planning permission subject to the reasons as set out in section 3 of the report by the Chief Planning Officer.

- moved by Councillor Child, seconded by Councillor Osler.

#### **Amendment**

To continue consideration of the application to clarify that legal agreement for class 8 use could be agreed with the applicant and to include legal arguments for housing land supply.

- moved by Councillor Gardiner, seconded by Councillor Gordon.

#### **Voting**

For the motion: - 3 votes

For the amendment - 8 votes

(For the motion: Councillors Child, Munn and Osler.)

For the amendment: Councillors Booth, Mary Campbell, Gardiner, Gordon, Griffiths, Mitchell, Mowat and Rose.)

**Decision**

To continue consideration of the application to clarify that legal agreement for class 8 use could be agreed with the applicant and to include legal arguments for housing land supply.

(Reference – report by the Chief Planning Officer, submitted.)

## Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
<p><b>7.1 - <a href="#">Cameron Toll Shopping Centre, 6 Lady Road, Edinburgh</a></b></p>	<p>Proposed cinema development (Class 11) with ancillary Class 1 (retail), Class 2 (Financial and Professional Services) and Class 3 (Food and Drink) use, reconfiguration of existing car park and landscaping (as amended) - application no 19/06001/FUL</p>	<p>To <b>GRANT</b> planning permission subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer and an additional informative that consideration be given to having a green roof which would help with attenuation of the new large roof space.</p> <p><b>Dissent</b></p> <p>Councillor Booth requested that his dissent be recorded in respect of this decision.</p>
<p><b>7.2 - <a href="#">Torphin Road (Car Park), Edinburgh</a></b></p>	<p>Application for a new residential building, comprising 9 flats and 2 houses, with associated infrastructure, landscaping and engineering works (as amended) - application no 19/01036/FUL - report by the Chief Planning Officer</p>	<p>1) To agree not to continue the application for a hearing and to agree to determine the application at the meeting of the Development Management Sub Committee of 1 July 2020.</p> <p>(on a division)</p> <p>2) To continue consideration of the application to clarify that legal agreement for class 8 use could be agreed with the applicant and to include legal arguments for housing land supply.</p> <p>(on a division)</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p><a href="#"><u>9.1 - Forthcoming application by Centre For the Moving Image (CMI) for Proposal of Application Notice at Land at Festival Square, Edinburgh, EH9 9SR</u></a></p>	<p>Application for planning permission proposing the "development of a new centre for film comprising cinema, offices, education, exhibition SRand function space, together with retail, cafe, restaurant and bar, and associated facilities, including landscaping and public realm works (Use Classes 1, 2, 3, 4, 10, and 11 and sui generis public house)" at Land at Festival Square, Edinburgh – application no - 20/01235/FUL</p>	<p>1) To note the key issues at this stage.</p> <p>2) To take into account the following issues:</p> <ul style="list-style-type: none"> <li>• There was sensitivity towards signage.</li> <li>• That when the design came forward, consideration be given to the exterior and how it fitted with the outside environment.</li> </ul> <p><b>Declaration of Interest</b></p> <p>Councillor Mary Campbell declared a non-financial interest in the above item as a family member was employed there and took no part in consideration of the item.</p>
<p><b>10.1</b> 1 Grant Avenue, Edinburgh (At Land 20 Metres Northwest Of)</p>	<p>Erection of a two-storey, three-bedroom dwelling house with associated off-street parking, amenity garden ground, solar panels and an air source heat pump within the grounds of 1 Grant Avenue (as amended) - application no 19/05606/FUL</p>	<p>To note that this application was <b>GRANTED</b> by the Chief Planning Officer under Extended Delegated Authority</p>
<p><b>10.2</b> Ravelston Dykes Quarry, Ravelston Dykes Road, Edinburgh</p>	<p>Material and design amendments to approved dwelling house on Plot 1 of planning permission reference 16/05074/FUL. External alterations including changes to materials, window openings and replacement of pitched roof with flat roof garden - application no 19/01108/FUL</p>	<p>To note that this application was <b>GRANTED</b> by the Chief Planning Officer under Extended Delegated Authority</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p><b>10.3</b> Ravelston Dykes Quarry, Ravelston Dykes Road, Edinburgh</p>	<p>Material and design amendments to approved dwelling house on Plot 3 of planning permission reference 16/05074/FUL. External alterations including changes to materials, window openings and replacement of pitched roof with flat roof garden - application no 19/01091/FUL</p>	<p>To note that this application was <b>GRANTED</b> by the Chief Planning Officer under Extended Delegated Authority</p>
<p><b>10.4</b> Ravelston Dykes Quarry, Ravelston Dykes Road, Edinburgh</p>	<p>Material and design amendments to approved dwelling house on Plot 2 of planning permission reference 16/05074/FUL. External alterations including changes to materials, window openings and replacement of pitched roof with flat roof garden - application no 19/01090/FUL</p>	<p>To note that this application was <b>GRANTED</b> by the Chief Planning Officer under Extended Delegated Authority</p>
<p><b>10.5</b> The Bridge Inn, 27 Baird Road, Ratho, Newbridge</p>	<p>Formation of new bedroom wing and link to existing building; associated car park works - application no 19/04984/FUL</p>	<p>To note that this application was <b>GRANTED</b> by the Chief Planning Officer under Extended Delegated Authority</p>
<p><b>10.6</b> The Bridge Inn, 27 Baird Road, Ratho, Newbridge EH28 8RU</p>	<p>Demolish side extension and internal alterations to allow formation of new bedroom wing, new entrance and reception area (as amended) - application no 19/04985/LBC</p>	<p>To note that this application was <b>GRANTED</b> by the Chief Planning Officer under Extended Delegated Authority</p>

## Development Management Sub Committee

**Wednesday 29 July 2020**

**Application for Planning Permission 20/01896/FUL  
at 13 Castle Street, Edinburgh.  
Change of use from offices to serviced apartments (as  
amended).**

**Item number**

**Report number**

**Wards**

B11 - City Centre

### Summary

---

The proposal complies with the adopted Edinburgh Local Development Plan. The proposal is an appropriate use which is reflective of the mixed commercial/residential character of the surrounding area and which preserves both the character and appearance of the New Town Conservation Area and the Outstanding Universal Value of the Old and New Towns of the Edinburgh World Heritage Site. The proposal will not have an adverse impact on the unique architectural and historical character of the listed building and is an acceptable city centre development. It will not have a detrimental impact on the amenity of the surrounding area or raise any concerns in respect to road safety.

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997.

There are no material planning considerations which outweigh this conclusion.

## Links

---

[Policies and guidance for this application](#)

LDPP, LEN01, LEN06, LHOU07, LDEL02, LEMP09, HES, HESINT, HESDOR, NSG, NSGD02, NSLBCA, NSBUS, OTH, CRPNEW,



# Report

## **Application for Planning Permission 20/01896/FUL at 13 Castle Street, Edinburgh. Change of use from offices to serviced apartments (as amended).**

### **Recommendations**

---

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

### **Background**

---

#### **2.1 Site description**

The application site forms part of a terrace of classical houses with flats above, set within Edinburgh's original New Town development. Dating from circa 1792-4, this three-storey and attic building was formerly arranged in a symmetrical pair with the adjoining property to the south and has since had alterations and additions that include a link passage to the ancillary building at first floor level and a new roof level. The first and second floor of the building have undergone significant change and are currently used as office space and a photography studio. A number of the units within this historic terrace have been altered significantly at ground and first floor level to support commercial units.

The application site was category B listed on 3 March 1966 LB reference 28461.

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

#### **2.2 Site History**

23 April 2020 - Planning permission granted for alterations to convert offices at first and second floors and existing dwelling at third and fourth floor level into five residential apartments (as amended) (application reference: 20/00027/FUL).

22 April 2020 - Listed building consent granted for change of use from offices at first and second floor and one residential unit over third and fourth floor into five residential apartments (as amended) (application reference: 20/00028/LBC).

An application for Listed Building Consent has been submitted in parallel with this application (application reference: 20/01897/LBC).

## Main report

---

### 3.1 Description of the Proposal

The proposal is a change of use from office space to short stay visitor accommodation. Short stay visitor accommodation letting is not covered under the Town and Country Planning (Use Classes) (Scotland) Order 1997 and is a sui generis use. The proposal includes the reinstatement of an original door at ground floor level located on Rose Street Lane, the subdivision of a communal storeroom to form a new bin store, the formation of a new roof vent and two rooflights and the formation of three serviced apartments.

#### Previous Scheme

The scheme has been amended to retain nibs of internal walls removed.

### 3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

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 use is acceptable in principle;
- b) the proposal will preserve the character and setting of the listed building;
- c) the proposal will preserve the character and appearance of the New Town Conservation Area;
  
- d) the proposal will preserve the outstanding universal value of the Old and New Towns of the Edinburgh World Heritage Site;

- e) the proposal will have a detrimental impact on the amenity of neighbouring residents;
- f) the proposal raises any issues in respect of parking and road safety and
- g) any issues raised by objectors have been addressed.

a) Principle

The application site is situated in the city centre area as defined in the adopted Edinburgh Local Development Plan (LDP).

LDP policy Emp 9 (Employment Sites and Premises) states that proposals to redevelop employment sites or premises in the urban area for uses other than business, industry or storage will be permitted provided:

(i) the introduction of non-employment uses will not prejudice or inhibit the activities of any nearby employment use;

(ii) the proposal will contribute to the comprehensive regeneration and improvement of the wider area.

The non-statutory Guidance for Business states that for a change of use to short term commercial visitor accommodation, special regard will be made to the following:

- 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.

LDP Policy Del 2 (City Centre) states that development which lies within the city centre will be permitted where it retains and enhances its character, attractiveness, vitality and accessibility and contributes to its role as a strategic business and regional shopping centre and Edinburgh's role as a capital city. It also states that the requirements in principle will be for a use or mix of uses appropriate to the location of the site, its accessibility characteristics and the character of the surrounding area.

The surrounding area has a mixed character. The proposal will not prejudice or inhibit the activities of any nearby employment use. The property is in a state of disrepair and does not appear to meet the modern needs and requirements of small businesses due to the point of access being located down a small alley; as well as the restrictive internal layout of the property and the resultant limited size of the offices available. The site is a vacant property with limited potential for future occupancy. It does not contribute to the vitality of the street or the wider area. Whilst the proposal will not contribute to the regeneration of the area, the proposal will provide accommodation for tourists and individuals visiting the city, within an area of already mixed use. The site is highly accessible and will also not result in the loss of any residential properties within the city.

The short stay units will be accessed directly from Rose Street Lane. There will be no direct interaction between users of the short stay units and long term residents of residential properties in the area.

This is a fairly busy city centre location within walking distance of public transport, so the development should not diminish the quality of the residential environment in terms of noise generation, disturbance or parking demand.

Set within the context of the mixed character of the surrounding area and the city centre location, the proposal complies with LDP policy Del 2 and Emp 9 and is acceptable in principle subject to compliance with the other policies of the adopted LDP.

#### b) Character and Setting of Listed Building

Section 59 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 states:

*"In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) states that proposals to alter a listed building will be permitted where those alterations are justified; will not result in unnecessary damage to historic structures or result in a diminution of the buildings interest; and any additions would be in keeping with other parts of the building.

Historic Environment Scotland's (HES) Managing Change in the Historic Environment guidance note on the use and adaptability of listed buildings is applicable. It states that *for a building to remain in use over the long term, change will be necessary. This reflects changes over time in how we use our buildings and what we expect from them. We need to make sure they have a long term future if we want to benefit from them in the long term.*

*A building's long-term future is at risk when it becomes hard to alter and adapt it when needed. Proposals that keep buildings in use, or bring them back into use, should be supported as long as they do the least possible harm. Once a building is empty or underused its long term future is immediately at risk.*

The property is vacant and in a state of disrepair. It does not appear to meet the modern needs and requirements of small businesses due to the point of access being located down a small alley; as well as the restrictive internal layout of the property and the resultant limited size of the offices available. The limited size of the application site also mean it is not suitable for residential development, as it is not possible to provide sufficient internal floorspace in line with current non-statutory guidance.

Externally, the proposal includes the reopening of an original doorway on the east elevation looking out to Rose Street Lane. This is a secondary elevation and the alteration will not impact the character of the building.

The proposed formation of two rooflights on the west elevation, a new smoke vent on the east elevation and the infill of existing vents will not be visible from public viewpoints.

Although the proposals will result in the loss of some historic fabric, given the poor overall condition of the building and the otherwise limited potential for the building's reuse, the alterations are considered acceptable in this instance.

### c) Character and 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."*

LDP policy Env 6 (Conservation Areas - Development) states that development within a conservation area will be permitted where it preserves or enhances the special character and appearance of the conservation area and which is consistent with the relevant character appraisal.

The New Town Conservation Area Character Appraisal highlights the important role of the varied commercial/residential character of the New Town in contributing to the character of the conservation area stating:

*Moving north from Princes Street retail use decreases. Rose Street and George Street have considerable shop frontages, particularly in their central and western ends but retail use has not achieved the saturation level of Princes Street. Further north, Thistle Street and Queen Street only house a very modest amount of retail use. The cross streets in the area also reflect these changes. Throughout the area property has often been rebuilt or extended or converted for office or institutional use. Residential use only remains significant in the western and northern fringes of the First New Town.*

In terms of the character of the conservation area, the proposal will provide accommodation for tourists and individuals visiting the city, within an area of already mixed use. The site is highly accessible and will also not result in the loss of any residential properties within the city. The proposal will not have a detrimental impact on the character of the conservation area.

In terms of the appearance of the conservation area, the proposal includes the re-opening of an original doorway on the east elevation looking out to Rose Street Lane. This is a secondary elevation and the alteration will not impact the character of the streetscape. The proposed formation of two rooflights on the west elevation, a new smoke vent on the east elevation and the infill of existing vents will not be visible from public viewpoints.

The proposal will preserve the character and appearance of the conservation area and complies with LDP policy Env 6.

#### d) Impact on the World Heritage Site

The Outstanding Universal Value (OUV) of the Old and New Towns of Edinburgh World Heritage Site (EWHS) is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

The Statement of Outstanding Universal Value emphasises the importance of maintaining the authenticity of the Site which "*continues to retain its historic role as the administrative and cultural capital of Scotland, while remaining a vibrant economic centre.*"

LDP Policy Env 1 (World Heritage Sites) states that development which would harm the qualities which justified the inscription of the Old and New Towns of Edinburgh will not be permitted.

In terms of the use, the EWHS Management Plan encourages sustainable tourism and recognises that a balance is needed between resident and visitor needs. The re-use of this redundant building ensures the New Town Conservation Area is maintained as a thriving part of the city without harm to the OUV.

External alterations are limited and largely not visible from public viewpoints. The proposal will not impact on the appearance of the streetscape.

The proposed external alterations will have no detrimental impact on the character or appearance of the New Town, nor its relationship with the Medieval Old Town.

The proposal will have no adverse impact on the Outstanding Universal Value of the Edinburgh World Heritage Site and complies with LDP policy Env 1.

#### e) Neighbouring Amenity

The only policy that is applicable to the assessment of short stay commercial lets is policy Hou 7 (Inappropriate Uses in Residential Areas) which states that developments, including changes of use which would have a materially detrimental impact on the living conditions of nearby residents, will not be permitted.

The non-statutory Guidance for Business states that for a change of use to short term commercial visitor accommodation, special regard will be made to the following:

- 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.

The guidance states that change of use in flatted properties will generally only be acceptable where there is a private access from the street, except in the case of HMOs.

In connection to short stay lets it states - *The Council will not normally grant planning permission in respect of flatted properties where the potential adverse impact on residential amenity is greatest.*

There has been a number of appeal decisions which have helped to assess whether a change of use has taken place and whether that change of use is acceptable. There are currently 44 planning enforcement cases open in relation to short stay let uses.

There has also been planning appeal decisions against refusals to grant planning permission and certificates of lawfulness for short stay lets. These decisions have typically allowed short term let uses in main door properties or flats with their own private accesses e.g. 11 Stevenson Drive (CLUD-230-2007), 103 Restalrig Road(CLUD-230-2006) and 17 Old Fishmarket Close (PPA-230-2238). Appeal decisions such as 20 Pirniefield Grove (CLUD-230-2003) have also indicated that the use of residential properties for short stay letting does not always constitute a change of use. These appeals have also found that short stay visitor accommodation units can be acceptable in predominately residential areas.

Recent appeal decisions like that at Flat 3F2, 22 Haymarket Terrace (ENA-230-2156) stress that the frequent movement by tourists, and other itinerant residents, of baggage along landings and stairwells as well as the necessity for daily servicing of the apartment all lead to a pattern of intense usage of the access stairs and communal areas beyond that which may otherwise be expected from an apartment of this size. All of which creates the potential for unacceptable noise and disturbance to existing residents.

The application site is located just off Rose Street, which is characterised by a range of commercial uses including bars and restaurants. Likewise, Castle Street, which runs adjacent to the site, is also characterised by commercial uses at ground floor level. The serviced apartments will be accessed via a private entrance, meaning there will be no direct interaction between visitors and long term residents and limited potential for the disturbance of such residents.

The proposed plan shows that an existing store on the ground floor will be sub-divided to form a bin store.

One letter of representation objected on the basis that the proposed vent would cause noise disturbance. There is no reason such a vent would produce more noise than vents associated with existing commercial or residential properties in the area. It is not anticipated any nuisance noise would result from such a unit. If a nuisance or noise disturbance was reported from the site there are statutory provisions in order to mitigate these concerns under the Environmental Protection Act 1990. This is not an issue addressed through the planning system.

#### f) Parking and Road Safety

LDP policy Tra 2 (Private Car Parking) states that planning permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels set out in Council Guidance.

LDP policy Tra 3 (Private Cycle Parking) states that planning permission will be granted for development where proposed cycle parking and provision complies with standards set out in Council Guidance.

The Council's Edinburgh Design Guidance does not include any parking standards for either car parking or cycle parking for this sui generis use.

It is noted, however, that the applicant proposes no off-street parking provision for the site and whilst no cycle parking is proposed, the property is located within a city centre location with nearby access to public transport provision.

The proposal complies with LDP Policy Tra 2 and Tra 3.

#### g) Public Comments

##### **Material Representations**

- Noise disturbance; this is addressed in section 3.3e).
- short term lets eroding residential community resulting in negative impact on the character of the conservation area; this is addressed in 3.3c).

#### Conclusion

The proposal complies with the adopted Edinburgh Local Development Plan. The proposal is an appropriate use which is reflective of the mixed commercial/residential character of the surrounding area and which preserves both the character and appearance of the New Town Conservation Area and the Outstanding Universal Value of the Old and New Towns of the Edinburgh World Heritage Site. The proposal will not have an adverse impact on the unique architectural and historical character of the listed building and is an acceptable city centre development. It will not have a detrimental impact on the amenity of the surrounding area, or raise any concerns in respect to road safety.

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997.

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



### **3.4 Conditions/reasons/informatives**

#### **Informatives**

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. 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.
3. 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.

#### **Financial impact**

---

##### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

#### **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 has been assessed and has no impact in terms of equalities or human rights.

#### **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 received two objection comments. These representations are summarised and addressed in the Assessment section of the report.

### Background reading/external references

---

- To view details of the application, go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

## **Statutory Development**

### **Plan Provision**

Edinburgh Local Development Plan.

### **Date registered**

6 May 2020

### **Drawing numbers/Scheme**

01, 02A, 03A, 4-6, 07A, 08A, 09-11,

Scheme 2

## **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Christopher Sillick, Planning Officer

E-mail: [christopher.sillick@edinburgh.gov.uk](mailto:christopher.sillick@edinburgh.gov.uk)

## **Links - Policies**

---

### **Relevant Policies:**

#### **Relevant policies of the Local Development Plan.**

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

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

LDP Policy Del 2 (City Centre) sets criteria for assessing development in the city centre.

LDP Policy Emp 9 (Employment Sites and Premises) sets out criteria for development proposals affecting business and industrial sites and premises.

## **Relevant Government Guidance on Historic Environment.**

Managing Change in the Historic Environment: Interiors sets out Government guidance on the principles that apply to alterations to the interiors of listed buildings.

Managing Change in the Historic Environment: Doorways: Government guide sets out the principles that apply to altering the doorways of historic buildings.

## **Relevant Non-Statutory Guidelines**

**Non-Statutory guidelines** Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

**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.

## **Other Relevant policy guidance**

**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.

# Appendix 1

**Application for Planning Permission 20/01896/FUL  
At 13 Castle Street, Edinburgh,  
Change of use from offices to serviced apartments (as  
amended).**

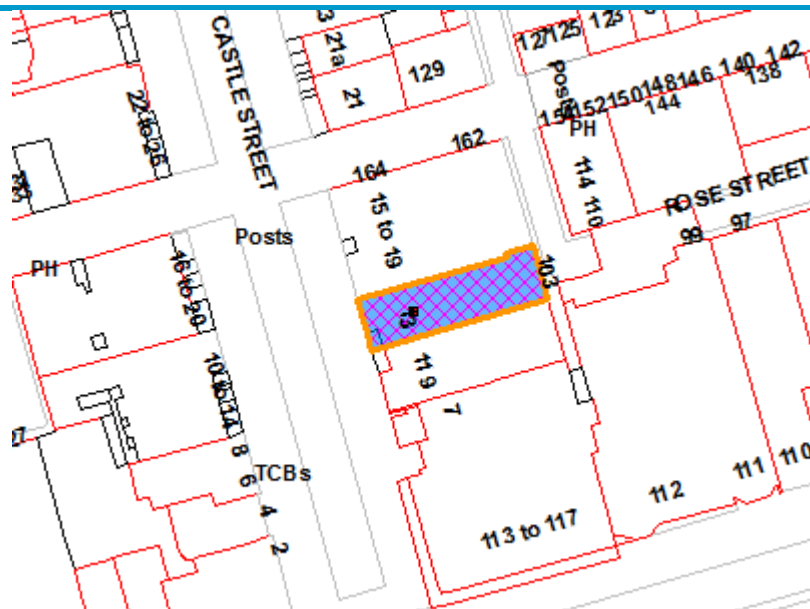
## Consultations

---

No consultations undertaken.

## Location Plan

---



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

This page is intentionally left blank

## Development Management Sub Committee

Wednesday 29 July 2020

**Application for Listed Building Consent 20/01897/LBC  
at 13 Castle Street, Edinburgh.  
Alterations to form serviced apartments from offices(as  
amended).**

**Item number**

**Report number**

**Wards**

B11 - City Centre

### Summary

---

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and setting of the listed building and preserves or enhances the character and appearance of the conservation area.

### Links

---

[Policies and guidance for this application](#)

LDPP, LEN04, LEN06, HES, HESINT, HESDOR, NSG, NSLBCA, OTH, CRPNEW,

# Report

## **Application for Listed Building Consent 20/01897/LBC at 13 Castle Street, Edinburgh. Alterations to form serviced apartments from offices(as amended).**

### **Recommendations**

---

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

### **Background**

---

#### **2.1 Site description**

The application site forms part of a terrace of classical houses with flats above, set within Edinburgh's original New Town development. Dating from circa 1792-4, this three-storey and attic building was formerly arranged in a symmetrical pair with the adjoining property to the south and has since had alterations and additions that include a link passage to the ancillary building at first floor level and a new roof level. The first and second floor of the building have undergone significant change and are currently used as office space and a photography studio. A number of the units within this historic terrace have been altered significantly at ground and first floor level to support commercial units.

The application site was category B listed on 3 March 1966 LB reference 28461.

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

#### **2.2 Site History**

23 April 2020 - Planning permission granted for alterations to convert offices at first and second floors and existing dwelling at third and fourth floor level into five residential apartments (as amended) (application reference: 20/00027/FUL).

22 April 2020 - Listed building consent granted for change of use from offices at first and second floor and one residential unit over third and fourth floor into five residential apartments (as amended) (application reference: 20/00028/LBC).

An application for planning permission has been submitted in parallel with this application and is pending decision (ref: 20/01896/FUL).



## Main report

---

### 3.1 Description of the Proposal

The proposal is a for alterations to change the use from office space to three short stay visitor accommodation apartments. The proposal includes the reinstatement of an original door at ground floor level located on Rose Street Lane, the subdivision of a communal storeroom to form a new bin store, the formation of a new roof vent and two rooflights and the removal of partition walls on the first, second and third floors.

#### Previous Scheme

The scheme has been amended to retain nibs of internal walls removed.

### 3.2 Determining Issues

Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - 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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

In determining applications for listed building consent, the Development Plan is not a statutory test. However, the policies of the Local Development Plan (LDP) inform the assessment of the proposals and are a material consideration.

### 3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposals preserve the character and setting of the listed building;
- b) the proposals preserve or enhance the character or appearance of the conservation area;
- c) All public comments received have been addressed.

#### a) Character of Listed Building

Section 59 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 states:

*"In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) states that proposals to alter a listed building will be permitted where those alterations are justified; will not result in unnecessary damage to historic structures or result in a diminution of the buildings interest; and any additions would be in keeping with other parts of the building.

Historic Environment Scotland's (HES) Managing Change in the Historic Environment guidance note on the use and adaptability of listed buildings is applicable. It states that *for a building to remain in use over the long term, change will be necessary. This reflects changes over time in how we use our buildings and what we expect from them.....We need to make sure they have a long term future if we want to benefit from them in the long term.*

*A building's long-term future is at risk when it becomes hard to alter and adapt it when needed. Proposals that keep buildings in use, or bring them back into use, should be supported as long as they do the least possible harm. Once a building is empty or underused its long term future is immediately at risk.*

The property is vacant and in a state of disrepair. It does not appear to meet the modern needs and requirements of small businesses due to the point of access being located down a small alley; as well as the restrictive internal layout of the property and the resultant limited size of the offices available. The limited size of the application site also mean it is not suitable for residential development, as it is not possible to provide sufficient internal floorspace in line with current non-statutory guidance.

The reconfiguration of the internal space will allow much needed refurbishment work to take place which will ensure the building's future. Where walls are to be removed nibs are retained to allow the original layout of the building to be read. Given the poor condition of the building, the loss of some historic fabric, including a fireplace on the third floor, to ensure the reuse of the building is considered acceptable.

Externally, the proposal includes the reopening of an original doorway on the east elevation looking out to Rose Street Lane. This is a secondary elevation and the alteration will not impact the character of the building. The proposed formation of two rooflights on the west elevation, a new smoke vent on the east elevation and the infill of existing vents will not be visible from public viewpoints.

Although the proposals will result in the loss of some historic fabric, given the poor overall condition of the building and the otherwise limited potential for the building's reuse, the alterations are considered acceptable in this instance.

#### b) Character and Appearance of the Conservation Area and the World Heritage Site

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."*

LDP Policy Env 6 (Conservation Areas - Development) states that development within a conservation area will be permitted if it preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal and demonstrates high standards of design and utilises materials appropriate to the historic environment.

The New Town Conservation Area Character Appraisal highlights the important role of the varied commercial/residential character of the New Town in contributing to the character of the conservation area stating:

*Moving north from Princes Street retail use decreases. Rose Street and George Street have considerable shop frontages, particularly in their central and western ends but retail use has not achieved the saturation level of Princes Street. Further north, Thistle Street and Queen Street only house a very modest amount of retail use. The cross streets in the area also reflect these changes. Throughout the area property has often been rebuilt or extended or converted for office or institutional use. Residential use only remains significant in the western and northern fringes of the First New Town.*

In terms of the character of the conservation area; the proposal will provide accommodation for tourists and individuals visiting the city, within an area of already mixed use. The site is highly accessible and will also not result in the loss of any residential properties within the city. The proposal will not have a detrimental impact on the character of the conservation area.

In terms of the appearance of the conservation area, the proposal includes the reopening of an original doorway on the east elevation looking out to Rose Street Lane. This is a secondary elevation and the alteration will not impact the character of the streetscape. The proposed formation of two rooflights on the west elevation, a new smoke vent on the east elevation and the infill of existing vents will not be visible from public viewpoints.

The proposal will preserve the character and appearance of the conservation area and complies with LDP policy Env 6.

### c) Public Comments

#### **Non-Material comment**

- short term lets eroding residential community resulting in negative impact on the character of the conservation area; this is not a matter for listed building consent

### Conclusion

The work complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and setting of the listed building and preserves and enhances the character and appearance of the conservation area. The proposals allow for the re-use of a redundant listed building in compliance with the Historic Environment Policy for Scotland and associated Managing Change guidance.

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

### **3.4 Conditions/reasons/informatives**

#### **Conditions:-**

1. Further details of acoustic linings and external insulation shall be submitted for the prior approval of the planning authority before work commences

#### **Reasons:-**

1. In order to safeguard the character of the statutorily listed building.

#### **Informatives**

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. This consent is for Listed Building Consent only. Work must not begin until other necessary consents, eg Planning Permission, have been obtained.

### **Financial impact**

---

#### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

### **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 has been assessed and has no impact in terms of equalities or human rights.

### **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 received one objection comment. The content of this representation is summarised and addressed in the Assessment section of the main report.

## **Background reading/external references**

---

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development****Plan Provision**

Edinburgh Local Development Plan.

**Date registered**

6 May 2020

**Drawing numbers/Scheme**

01, 02A, 03A, 04-06, 07A, 08A, 09-11,

Scheme 2

**David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Christopher Sillick, Planning Officer

E-mail:christopher.sillick@edinburgh.gov.uk

**Links - Policies**

---

**Relevant Policies:****Relevant policies of the Local Development Plan.**

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

**Relevant Government Guidance on Historic Environment.**

Managing Change in the Historic Environment: Interiors sets out Government guidance on the principles that apply to alterations to the interiors of listed buildings.

Managing Change in the Historic Environment: Doorways: Government guide sets out the principles that apply to altering the doorways of historic buildings.

**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.

#### **Other Relevant policy guidance**

**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.

# Appendix 1

## **Application for Listed Building Consent 20/01897/LBC At 13 Castle Street, Edinburgh, Alterations to form serviced apartments from offices(as amended).**

### **Consultations**

---

#### **Historic Environment Scotland**

*13 Castle Street is category B listed and is part of a terrace of former classical houses with flats above, set within Edinburgh's original New Town development that represents one of the most important and best-preserved examples of urban planning in Britain. Dating from circa 1792-4, this three-storey and attic building was arranged in a symmetrical pair with the adjoining property to the South and has since had alterations and additions that include a new roof level and a link passage to the rear ancillary building at first floor level.*

*This separate structure to the rear of the property is currently unused from the first floor up. It is accessed via Rose Street South Lane as well as the main tenement townhouse. Originally, the two buildings would not have been attached. The arrangement of internal spaces appears to be largely unaltered and represents an unusual example of architectural design in Rose Street, most likely from the early 19th century, owing to its unconventional height for a rear sited building of the First New Town, as well as its historic plan form. The ancillary building therefore reflects the social, historical and architectural development of the wider New Town between the late 18th and early 19th centuries.*

*The proposals are for the conversion of the rear ancillary building into three serviced apartments. We consider the current scheme would have a detrimental impact on the character and appearance of the rear ancillary building, which makes a significant contribution to the special interest of the listed building as a whole. Our comments are set out below.*

#### *Historic Plan Form*

*Proposals to alter a listed building should be informed by and respond to its particular character and architectural interest. The significance of a listed building's interior is usually derived from several factors, including the degree to which it remains intact from key periods in history. The plan form, or arrangement and division of internal spaces such as rooms, halls and corridors, forms a key part of the character and special interest of this property, with many of these spaces remaining reasonably intact. The ancillary building is particularly well preserved, and there should be a presumption in favour of retaining its historic plan form. Where walls are proposed for removal, we suggest that nibs are retained to protect the understanding of the historic layout.*

#### *Historic Features*





This page is intentionally left blank

## Development Management Sub Committee

**Wednesday 29 July 2020**

**Application for Planning Permission 20/00724/FUL  
at Flat 1, 1 Saunders Street, Edinburgh.  
Change of property use from residential to short term let.  
The property will be used for a mixture of family use and  
short term letting. The flat is ground floor with its own door  
access via a private garden.**

**Item number**

**Report number**

**Wards**

B05 - Inverleith

### Summary

---

The proposal complies with the Development Plan. It will not have a negative impact on neighbouring amenity. The proposal preserves the character and appearance of the New Town Conservation Area and there is no impact on the Outstanding Universal Value of the World Heritage Site. The proposal is an appropriate use in this area. The proposal complies with relevant guidance and satisfies the requirements of section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. There are no material planning considerations which outweigh this conclusion.

### Links

---

[Policies and guidance for this application](#)

LDPP, LEN01, LEN06, LHOU07, NSG, NSGD02, NSBUS, OTH, CRPNEW,

# Report

**Application for Planning Permission 20/00724/FUL  
at Flat 1, 1 Saunders Street, Edinburgh.  
Change of property use from residential to short term let.  
The property will be used for a mixture of family use and  
short term letting. The flat is ground floor with its own door  
access via a private garden.**

## Recommendations

---

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

## Background

---

### 2.1 Site description

The application site is a ground floor flat situated within a five storey tenement, located on the south east side of Saunders Street. The site has its own independent means of access and a small fenced curtilage. Kerr Street is to the north and India Place to the south.

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 a residential unit to short term letting accommodation. The residential unit is a ground floor, one bedroom flat with its own means of access. Short term letting accommodation is not covered under the Town and Country Planning (Use Classes) (Scotland) Order 1997 and is a sui generis use.

### 3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

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 use is acceptable in principle;
- b) the proposal will preserve the character and appearance of the New Town Conservation Area;
- c) the proposal affects the Outstanding Universal Value of the Edinburgh World Heritage Site;
- d) the proposal will have a detrimental impact on the amenity of neighbouring residents;
- e) the proposal raises any issues in respect of parking and road safety and
- f) any comments have been addressed.

#### a) Principle of development

The application site is situated in the urban area as defined in the adopted Edinburgh Local Development Plan (LDP). It should be noted that the LDP does not include any policies against the loss of residential use.

The only policy that is applicable to the assessment of short stay commercial lets is policy Hou 7 (Inappropriate Uses in Residential Areas) which states that developments, including changes of use which would have a materially detrimental impact on the living conditions of nearby residents, will not be permitted.

The non-statutory Guidance for Business states that for a change of use to short term commercial visitor accommodation, special regard will be made to the following:

- 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.

The guidance states that change of use in flatted properties will generally only be acceptable where there is a private access from the street, except in the case of HMOs.

In connection to short stay lets it states - *The Council will not normally grant planning permission in respect of flatted properties where the potential adverse impact on residential amenity is greatest.*

There has been a number of appeal decisions which have helped to assess whether a change of use has taken place and whether that change of use is acceptable. There are currently 44 planning enforcement cases open in relation to short stay let uses.

There has also been planning appeal decisions against refusals to grant planning permission and certificates of lawfulness for short stay lets. These decisions have typically allowed short term let uses in main door properties or flats with their own private accesses e.g. 11 Stevenson Drive (CLUD-230-2007), 103 Restalrig Road (CLUD-230-2006) and 17 Old Fishmarket Close (PPA-230-2238). Appeal decisions such as 20 Pirniefield Grove (CLUD-230-2003) have also indicated that the use of residential properties for short stay letting does not always constitute a change of use. These appeals have also found that short stay visitor accommodation units can be acceptable in predominately residential areas.

Recent appeal decisions like that at Flat 3F2, 22 Haymarket Terrace (ENA-230-2156) stress that the frequent movement by tourists, and other itinerant residents, of baggage along landings and stairwells as well as the necessity for daily servicing of the apartment all lead to a pattern of intense usage of the access stairs and communal areas beyond that which may otherwise be expected from an apartment of this size. All of which creates the potential for unacceptable noise and disturbance to existing residents.

The application site is a main door entry flat. The site plan shows that bins will be provided within the small rear curtilage linked to the flat. This is owned by the applicant. Users of the short term let will not come into contact with long term residents of the surrounding tenements. The use is small scale and is acceptable in principle.

#### b) Character and 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."*

LDP Policy Env 6 (Conservation Areas - Development) states that development within a conservation area will be permitted if it preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal and demonstrates high standards of design and utilises materials appropriate to the historic environment.

The application site is within the New Town Conservation Area and forms part of the Old and New Town World Heritage Site. 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. Although the New Town Character Appraisal does not mention Saunders Street, it does briefly discuss the surrounding area stating:

*Stockbridge was laid out around a single through route; now called Kerr Street to the south east of the Water of Leith and Deanhaugh Street, Raeburn Place, Comely Bank Road successively on the other bank. Dean Street and Leslie Place join Raeburn Place from the higher ground to the south-west.*

*These streets are lined with Georgian and Victorian terraces of tenements or three storey houses some particularly fine buildings including palace fronted terraces with substantial individual front gardens. The majority of property remains in residential use - in particular the Raeburn Estate has been subject to little redevelopment and remains an attractive and architecturally outstanding residential area.*

In this instance, there are no proposed external changes to the building. The introduction of a new bin within the curtilage of the property will be screened by existing fencing and will not disrupt the existing streetscape. The appearance of the conservation area will not be affected. The small size of the flat will limit visitors to either a single person or a couple. This combined with the screening of the existing fencing and the ability to access the property through its own door, mean that the comings and goings of any occupants and the use of the property is unlikely to be any different to the existing situation. The proposal will not have a negative impact on the existing residential character of the street. The proposed changes will have no impact on the character or appearance of the conservation area.

#### c) World Heritage Site

LDP Policy Env 1 (World Heritage Sites) states that development which would harm the qualities which justified the inscription of the Old and New Towns of Edinburgh and/or the Forth Bridge as World Heritage Sites or would have a detrimental impact on a Site's setting will not be permitted.

Due to the small scale nature of this proposal, there will be no impact on the Outstanding Universal Value of the World Heritage Site.

#### d) Neighbouring Amenity

There are no policies relating specifically to the control of short stay visitor accommodation in the current LDP. The only policy that can be applied is Hou 7 (Inappropriate Uses in Residential Areas) which considers whether proposed new uses would harm existing residential amenity. Hou 7 only focuses on neighbouring amenity and not the loss of housing and the impact this may have on the wider community. There is currently no policy relating to the loss of housing in the LDP. The application must be assessed against existing policies. The impact on neighbouring amenity is considered in more detail below.

No external changes are proposed to the building. The application complies with guidance outlined in *Edinburgh Design Guidance* relating to the protection of daylight to neighbouring windows, sunlight to neighbouring amenity space and neighbouring privacy. The application site is a one bed flat which will not be suited to large groups but more likely a single person or a couple. This reduces the likelihood that comings and goings to the property will disturb neighbours. The flat also benefits from its own access and is screened by an existing fence. A bin will be introduced to the curtilage of the building and visitors will not have access to communal areas of the tenement. This significantly reduces the scope for arrivals, departures and any cleaning to disturb existing residents. The small size of the flat and the curtilage means there is limited potential for large groups to gather. This reduces the likelihood of any anti-social behaviour arising which may disrupt neighbours. Instances of anti-social behaviour are a matter for the police and not a planning matter.

Overall, although the turnover of occupants may be more frequent, it is unlikely the pattern of use of the property will be significantly different from the existing residential use.

One letter of representation objected to the proposal on the basis that it would have a negative impact on shops and services. Any occupants using the proposed accommodation would be likely to use shops and services in the same way as other residents in the area. It is not considered that the proposal would have a negative impact on shops and local services.

A further letter of representation objected to the proposal due to public health concerns; specifically, the spread of coronavirus. Legislation and guidance independent of the planning system has been developed in relation to this issue and it is not a matter that can be controlled under planning legislation. In this instance any short stay visitors to this property would not have access to communal areas associated with the tenement and it is unlikely therefore that this application would have any public health implications.

#### e) Road Safety and Parking

The proposal does not include additional parking. As the application site is a one bed flat, the number of occupants in the flat will be limited to one or two. This will not lead to an increase in demand for parking beyond what already exists. The application site is in a controlled parking zone. Parking attendants will enforce parking regulations. The application has no implications for road safety.

The application is acceptable in this regard.

#### f) Public Comments

### **Material representations - objections**

- Negative impact on appearance of building and the conservation area - addressed in section 3.3b);
- Negative impact on neighbouring amenity and erosion of community - this is addressed in section 3.3d);
- Negative impact on shops and services - this is addressed in section 3.3d);
- Loss of homes for local residents - this is addressed in section 3.3d); and
- Impact on parking- addressed in section 3.3e).

### **Non-material representations**

- Too many Airbnbs - this is a commercial consideration which is not covered by current planning policy;
- Decrease in demand for short term lets should be an opportunity to scale back short term letting in the city and change policy - the application must be assessed against existing policies and
- Spread of Coronavirus - this is controlled under public health legislation.



## Conclusion

The proposal will not have a negative impact on neighbouring amenity. The proposal preserves the character and appearance of the New Town Conservation Area and there is no impact on the Outstanding Universal Value of the World Heritage Site. The proposal is an appropriate use in this area.

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

### **3.4 Conditions/reasons/informatives**

#### **Informatives**

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. 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.
3. 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.

#### **Financial impact**

---

##### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

#### **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 has been assessed and has no impact in terms of equalities or human rights.

## **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**

Following the neighbour notification, a total of six representations were received, five objecting to the proposal and one in support.

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](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

## **Statutory Development**

### **Plan Provision**

Edinburgh Local Development Plan.

### **Date registered**

17 April 2020

### **Drawing numbers/Scheme**

01-03,

Scheme 1

## **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Christopher Sillick, Planning Officer

E-mail: christopher.sillick@edinburgh.gov.uk

## **Links - Policies**

---

### **Relevant Policies:**

#### **Relevant policies of the Local Development Plan.**

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

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Hou 7 (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** Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the

Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

**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.

### **Other Relevant policy guidance**

**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.

# Appendix 1

## Application for Planning Permission 20/00724/FUL

At Flat 1, 1 Saunders Street, Edinburgh

Change of property use from residential to short term let.

The property will be used for a mixture of family use and short term letting. The flat is ground floor with its own door access via a private garden.

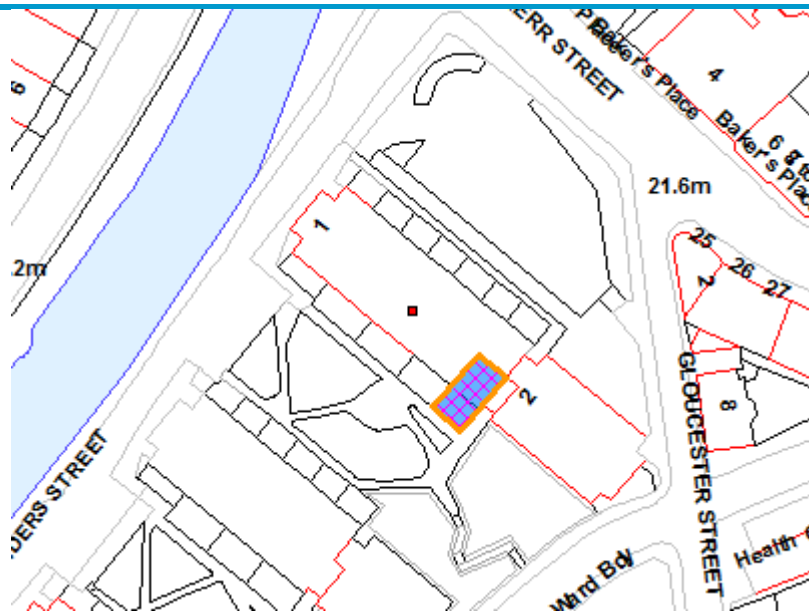
### Consultations

---

No consultations undertaken.

### Location Plan

---



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

This page is intentionally left blank

## Development Management Sub Committee

Wednesday 29 July 2020

**Application for Planning Permission 20/01540/FUL  
at 5 South Charlotte Street, Edinburgh, EH2 4AN.  
Change of use from office to short term holiday let.**

**Item number**

**Report number**

**Wards**

B11 - City Centre

### Summary

---

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and setting of the listed building and preserves and enhances the character and appearance of the conservation area

The proposals comply with the Development Plan. The change of use is acceptable. Existing neighbouring amenity will not be detrimentally affected. There are no material planning considerations which outweigh this conclusion.

### Links

---

[Policies and guidance for this application](#)

LDPP, LHOU07, LEN04, LEN06, LEN01, LTRA02, LTRA03, HES, HESINT, HESCON, NSG, NSLBCA, NSGD02, OTH, CRPNEW,

# Report

## **Application for Planning Permission 20/01540/FUL at 5 South Charlotte Street, Edinburgh, EH2 4AN. Change of use from office to short term holiday let.**

### **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 a ground floor premises currently in office use in a three storey plus basement and attic stone terraced classical tenement on the east side of South Charlotte Street near its junction with Princes Street. At basement level there is flat and above there is offices and then residential use on the top floors. The application property has its own front door accessed via stone steps and stone platform.

The property is in a busy city centre street with a mix of land uses including residential, offices, shops and food outlets. Immediately next door to the application property is a fast food take away on one side and a bar and restaurant.

The application property is a category A listed building (date of listing: 3 March 1966; reference LB28512).

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

#### **2.2 Site History**

13 July 2012 - certificate granted for application for a Certificate of Lawfulness for use as a Class 4 Business (application number 12/02079/CLE);

21 September 2012 - permission granted for change of use of the basement from office (Class 4) to flatted dwelling (sui generis). The ground floor of the building will be retained in office use. (application number 12/02482/FUL) and

3 April 2020 - application received for change of use from office to residential (application number 20/01532/FUL).



## Main report

---

### 3.1 Description of the Proposal

The proposal is for a change of use from office to short term holiday accommodation (short stay commercial visitor accommodation - SSCVA). At this stage, no internal or external alterations are proposed.

Scheme 1

Fitted kitchen units and en-suite in principal room were deleted from the proposals. These will come forward as part of a future application for listed building consent.

### 3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

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 principle of the change of use is acceptable;
- b) the proposal will harm the architectural or historic interest of the listed building;
- c) the proposals will adversely affect the special character or appearance of the conservation area and special qualities of the world heritage site;
- d) the proposal will impact on neighbouring amenity;
- e) there any Roads Authority or parking issues and
- f) any issues raised in representations have been addressed.

a) Principle of development

The application property is in the City Centre as defined in Edinburgh Local Development Plan (LDP). There is a variety of uses in the area including residential.

The policy that is applicable to the assessment of short stay commercial lets is policy Hou 7 (Inappropriate Uses in Residential Areas) which states that developments, including changes of use which would have a materially detrimental impact on the living conditions of nearby residents, will not be permitted.

The non-statutory Guidance for Business states that for a change of use to short term commercial visitor accommodation, special regard will be made to the following:

- 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.

The guidance states that change of use in flatted properties will generally only be acceptable where there is a private access from the street, except in the case of HMOs.

In connection to short stay lets it states - *The Council will not normally grant planning permission in respect of flatted properties where the potential adverse impact on residential amenity is greatest.*

There has been a number of appeal decisions which have helped to assess whether a change of use has taken place and whether that change of use is acceptable. There are currently 44 planning enforcement cases open in relation to short stay let uses.

There has also been planning appeal decisions against refusals to grant planning permission and certificates of lawfulness for short stay lets. These decisions have typically allowed short term let uses in main door properties or flats with their own private accesses e.g. 11 Stevenson Drive (CLUD-230-2007), 103 Restalrig Road (CLUD-230-2006) and 17 Old Fishmarket Close (PPA-230-2238). Appeal decisions such as 20 Pirniefield Grove (CLUD-230-2003) have also indicated that the use of residential properties for short stay letting does not always constitute a change of use. These appeals have also found that short stay visitor accommodation units can be acceptable in predominately residential areas

Recent appeal decisions like that at Flat 3F2, 22 Haymarket Terrace (ENA-230-2156) stress that the frequent movement by tourists, and other itinerant residents, of baggage along landings and stairwells as well as the necessity for daily servicing of the apartment all lead to a pattern of intense usage of the access stairs and communal areas beyond that which may otherwise be expected from an apartment of this size. All of which creates the potential for unacceptable noise and disturbance to existing residents.

The application site has direct access from the street and is in a busy city centre street. There will be no direct interaction between users of the short term letting accommodation and long term residents of the surrounding residential properties.

The principle of the development is considered acceptable.

## **b) Listed Building**

Section 59 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 states: "In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Historic Environment Scotland's (HES) guidance note Managing Change in the Historic Environment: Interiors and re-use and Adaptation of Listed buildings, sets out the principles that apply to altering historic buildings.

Policy Env 4 Listed buildings- Alterations and Extensions states that proposals to alter or to extend listed buildings will be permitted where those alterations are justified; would not result unnecessary damage to historic structures or diminution of its interests; and where any additions would be in keeping with other parts of the building.

The aim of the Listed Building and Conservation Areas guidance is to prevent unnecessary loss or damage to historic structures and ensure that proposals will not diminish their interest.

HES guidance on the Use and Adaptation of Listed buildings stresses that changes may be required to find a new use for a listed building. The guidance advises that changes to specific assets and their context should be managed in a way that protects the historic environment and that careful consideration is required to avoid harming the building's special interest. It recognises that listed buildings will be adapted for new uses and that small-scale alterations will be required.

HES raised concerns regarding the proposed internal changes and revised drawings were submitted to address its concerns. However, as concerns remain about the proposed alterations and, at this stage, a site visit is not possible, the application is for a change of use only and a further revised drawing was submitted showing the existing floor plan and no current associated proposed internal changes.

This application is for a change of use only and listed building consent will be required for any proposed internal or external changes.

On the basis, that the proposal is for a change of use only, the proposed change of use will preserve the character and setting of the listed building and accord with section 59 of the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997. It also complies with Env 4 of the LDP and the non- statutory guidance on Listed Buildings and Conservations Areas.

### c) **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."

Policy Env 6 Conservation Areas- Development states that development within a conservation area will be permitted which preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant character appraisal.

LDP Policy Env 1 (World Heritage Sites) states that development which would harm the qualities which justified the inscription of the Old and New Towns of Edinburgh or would have a detrimental impact on the Site's setting will not be permitted.

The site is located within the New Town Conservation Area. The character appraisal states that, the New Town Conservation Area represents a planned urban concept of European significance with an overriding character of Georgian formality. Stone built terrace houses and tenements, built to the highest standards, overlook communal private gardens; to the rear are lanes with mews buildings, many of which are now in housing use. The importance of the area lies in the formal plan layout of buildings, streets, mews and gardens and in the quality of the buildings themselves

This part of the conservation area is characterised by a mix of uses including residential and the proposed use will be compatible with the existing uses in the conservation area. Externally, the appearance of the building and, therefore, the conservation area, will remain unchanged. The proposal will not harm the qualities of the Outstanding Universal Value of the World Heritage Site.

The character and appearance of the conservation area and the Outstanding Universal Value of the World Heritage Site will be preserved. The proposals comply with Policy Env 6 and Env 1.

### d) Neighbouring Amenity

There are no policies relating specifically to the control of short stay visitor accommodation in the current LDP. The only policy that can be applied is Hou 7 (Inappropriate Uses in Residential Areas) which considers whether proposed new uses would harm existing residential amenity

The application property has its own direct access from the public street and the building contains both residential and non-residential uses. The busy city centre street provides an ambient noise background. This is a small scale unit where noise impacts are not expected to cause harm to neighbours.

There will be no adverse impact on existing neighbouring amenity. The proposal complies with Local Development Plan Policy Hou 7.

e) Roads Authority

Policies Tra 2 and Tra 3 of the LDP sets out the requirement for private car and cycle parking. The car and cycle parking standards are contained in the Edinburgh Design Guidance.

The Roads Authority has no objections to the proposal subject to informatives relating to a Travel Plan and parking permit. The zero-parking provision is acceptable and complies with the parking standards in the Edinburgh Design Guidance. The application property is well served by public transport and is within walking or cycling distance of local amenities and many tourism venues.

There are no Roads Authority or transport issues.

f) Public comments

**Material Comments - objections**

- Impact on special character of building and features. Addressed in 3.3b).
- No location or site plan included - *Location plan provided in Drawing 01*

**Conclusion**

In conclusion, the change of use is acceptable. There will be no adverse impact on the special historical and architectural interest of the listed building and the character and appearance of the conservation area will be preserved. Existing neighbouring amenity will not be detrimentally affected. The proposal complies with Local Development Plan. It also complies with Section 59 (1) and Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

**3.4 Conditions/reasons/informatives**

**Informatives**

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. 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.

3. 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.
4. This consent is for planning permission only. Work must not begin until other necessary consents, eg listed building consent, have been obtained.
5. i). In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, 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;
- ii) The applicant should be advised that as the development is located in Zones 1 to 8, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See

[https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item\\_77\\_-\\_controlled\\_parking\\_zone\\_amendments\\_to\\_residents\\_permits\\_eligibility.pdf](https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item_77_-_controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf) (Category B - Newly sub-divided or converted);

## **Financial impact**

---

**4.1 The financial impact has been assessed as follows:**

## **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 has been assessed and has no impact in terms of equalities or human rights.

## **Sustainability impact**

---

**7.1 The sustainability impact has been assessed as follows:**

## **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**

One public comment was received, from The Architectural Heritage Society of Scotland, objecting to the application.

## Background reading/external references

---

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

## **Statutory Development**

### **Plan Provision**

The application property is defined in the Local Development Plan as being in the City Centre, the City Centre Retail Core, a conservation area and a World Heritage Site.

### **Date registered**

8 April 2020

### **Drawing numbers/Scheme**

01, 02B.,

Scheme 3

## **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Nancy Jamieson, Team Manager

E-mail: [nancy.jamieson@edinburgh.gov.uk](mailto:nancy.jamieson@edinburgh.gov.uk)

## **Links - Policies**

---

### **Relevant Policies:**

#### **Relevant policies of the Local Development Plan.**

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.



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

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

### **Relevant Government Guidance on Historic Environment.**

Managing Change in the Historic Environment: Interiors sets out Government guidance on the principles that apply to alterations to the interiors of listed buildings.

Planning Advice Note 71 on Conservation Area Management recognises conservation areas need to adapt and develop in response to the modern-day needs and aspirations of living and working communities.

### **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** Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

### **Other Relevant policy guidance**

**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.

# Appendix 1

## Application for Planning Permission 20/01540/FUL At 5 South Charlotte Street, Edinburgh, EH2 4AN Change of use from office to short term holiday let.

### Consultations

---

#### Historic Environment Scotland

First Response - 29 April 2020

*Thank you for your consultation which we received on 20 April 2020. We have assessed it for our historic environment interests and consider that the proposals affect the following:*

<i>Ref</i>	<i>Name</i>	<i>Designation Type</i>
100018438	Edinburgh World Heritage Site Boundary	World Heritage Sites
LB28512	5-9 (ODD NOS) SOUTH CHARLOTTE STREET WITH RAILINGS,	Listed Building
GDL00367	THE NEW TOWN GARDENS	Garden and Designed Landscape

*You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.*

#### *Our Advice*

*The application concerns a raised ground floor 'main door' flat within an A listed Georgian tenement. We would not normally have concerns with the principle of change of use, but in this case the proposed plans, if carried out, would be harmful to the special interest of the listed building.*

*We can comment in more detail when consulted on the listed building consent application, but the plans show the kitchen proposed for the former street-facing dining room would impinge on the dado panelling, chimney breast, and appears to require the removal of the room's timber chimneypiece. It also provides kitchen units over and within what appears to be a buffet recess on the rear wall. The former drawing room of the flat - to the rear - is to be subdivided to provide an ensuite bathroom and store.*

*These actions would be harmful to the special interest of the listed building. Drawings should be revised to remove the more harmful elements.*

*Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.*

#### *Further Information*

*This response applies to the application currently proposed. An amended scheme may require another consultation with us.*

*Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at [www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/](http://www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/). Technical advice is available through our Technical Conservation website at [www.engineshed.org](http://www.engineshed.org).*

*Please contact us if you have any questions about this response. The officer managing this case is Steven Robb who can be contacted by phone on 0131 668 8089 or by email on [Steven.Robb@hes.scot](mailto:Steven.Robb@hes.scot).*

#### **Historic Environment Scotland**

Second Response - 9 June 2020

*Thank you for your consultation which we received on 20 April 2020. We have assessed it for our historic environment interests and consider that the proposals affect the following:*

<i>Ref</i>	<i>Name</i>	<i>Designation Type</i>
100018438	Edinburgh World Heritage Site Boundary	World Heritage Sites
LB28512	5-9 (ODD NOS) SOUTH CHARLOTTE STREET WITH RAILINGS,	Listed Building
GDL00367	THE NEW TOWN GARDENS	Garden and Designed Landscape

*You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.*

#### *Our Advice*

*We have no detailed concerns on the principle of change of use, but may comment further on the details of any subsequent listed building consent application for internal works.*

*Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.*

#### *Further Information*

*This response applies to the application currently proposed. An amended scheme may require another consultation with us.*

*Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at [www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/](http://www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/). Technical advice is available through our Technical Conservation website at [www.engineshed.org](http://www.engineshed.org).*

#### **Roads Authority**

*No objections to the application subject to the following being included as conditions or informatives as appropriate:*

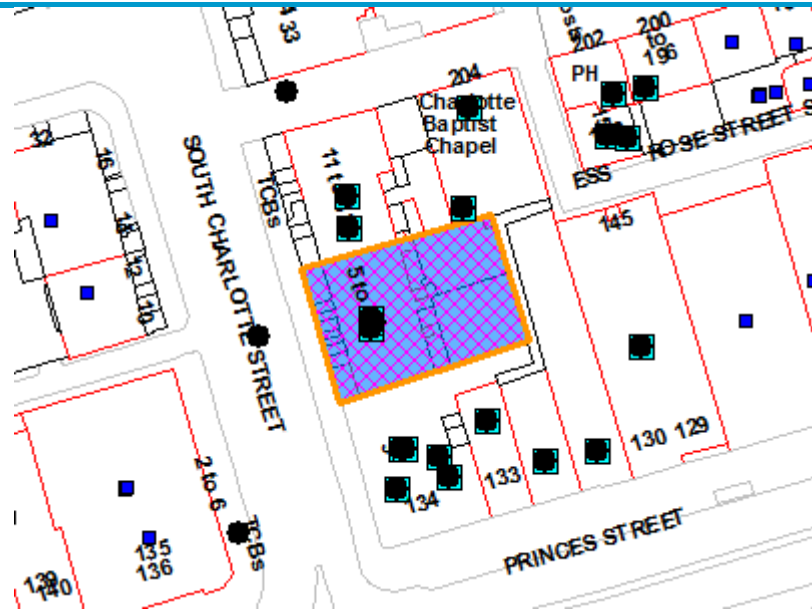
1. *In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;*

*Note:*

- o The proposed zero car parking complies with the 2017 Parking Standards and is considered acceptable;*
- o This property will not be entitled to a residential parking permit due to the proposed business use;*
- o Cycle parking was not considered a requirement due to this being an application for conversion of an existing property;*
- o Proposed use does not meet the minimum GFA/unit requirements to generate a tram contribution;*

## Location Plan

---



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

This page is intentionally left blank

## Development Management Sub Committee

report returning to Committee - Wednesday 29 July 2020

### **Application for Planning Permission 19/02778/FUL at Land 143 Metres Southeast Of 94, Ocean Drive, Edinburgh.**

**Residential development of 338 flats over 4 apartment buildings with heights of 10 storeys (Building A), 14 storeys (Building B), 12 storeys (Building C) and 10 storeys (Building D) with two commercial units (Class 1,2,3 and 4), car parking and associated landscaping (as amended).**

**Item number**

**Report number**

**Wards**

B13 - Leith

### **Recommendations**

---

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

### **Background information**

---

The Committee was minded to grant planning permission on 25 September 2019, subject to the conclusion of a legal agreement within six months of that date to secure developer contributions towards education, healthcare, transport and affordable housing. The period for conclusion of the legal agreement has been extended for a further three months under delegated powers, but that period has now expired.

Negotiations are continuing and are nearing conclusion, a further three month extension to the period to conclude the legal agreement is recommended.

There has also been further dialogue on a noise condition and this process can be used to amend the wording of the condition.

## Main report

---

### Legal Agreement:

There are no new material planning considerations which affect the Development Management Sub-Committee decision on 25 September 2019 that was minded to grant this application subject to a legal agreement first being concluded to secure the necessary contributions towards education, healthcare, transport and affordable housing.

Progress has been made in negotiating the terms of the legal agreement. As one of the first Build to Rent (BTR) models in the city, the legal agreement has required a number of detailed discussions between parties on the affordable housing element of the proposals. This has been time consuming and requires bespoke drafting over and above that found within the model S75 agreement.

Discussions have reached a point where it is considered that a further three month extension to the period will allow the legal agreement to be concluded.

### Noise condition:

There has also been further discussion on condition 9 in relation to noise. This currently states that:

*'Prior to occupation of the development, details demonstrating that noise from all internal plant (including internal ventilation systems) complies with NR15 within the habitable rooms (bedrooms and living rooms) in the residential properties shall be submitted for written approval by the Planning Authority.'*

Since the application was minded to grant the applicant has provided additional information in relation to the noise from the mechanical extract systems which will be designed to achieve a noise level of approximately NR 25. Environmental Protection has considered the additional information and has agreed that the condition can be amended to refer to compliance with NR 25 rather than N15. The proposed amended condition reads:

*'Prior to occupation of the development, details demonstrating that noise from all internal plant (including internal ventilation systems) complies with NR25 within the habitable rooms (bedrooms and living rooms) in the residential properties shall be submitted for written approval by the Planning Authority.'*

It is recommended that the timescales for concluding the legal agreement for this application is extended and the wording of condition 9 is amended. Once the legal agreement is concluded the planning permission can be released.

## Links

---

### **Policies and guidance for this application**

LDPP, LDEL01, LDEL03, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES10, LEN03, LEN08, LEN09, LEN16, LEN21, LEN22, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LTRA02, LTRA03, LTRA04, LTRA07, LTRA08, LRS06, SDP, NSG, NSGD02, OTH,



A copy of the original Committee report can be found in the list of documents at

<https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=PSW06IEWIPK00>

Or Council Papers online

**David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Kenneth Bowes, Senior Planning officer

E-mail: kenneth.bowes@edinburgh.gov.uk

This page is intentionally left blank

## Development Management Sub Committee

**Wednesday 29 July 2020**

**Application for Planning Permission 19/06070/FUL  
at St Joseph's Nursing Home, 41 - 45 Gilmore Place,  
Edinburgh.**

**Student accommodation redevelopment of existing C-listed building providing 230 beds over 29 flats with associated amenity and external landscaping, demolition of extensions and outbuildings and erection of 3 new buildings in rear courtyard.**

**Item number**

**Report number**

**Wards**

B11 - City Centre

### Summary

---

This proposal will deliver a new use for this unique listed building and grounds whilst preserving its setting and features of architectural and historic interest.

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and setting of the listed building and preserves and enhances the character and appearance of the conservation area.

With regards to student accommodation development, the proposals comply with the adopted Edinburgh Local Development Plan. It is accepted that provision of some housing on this site is not practicable and the infringement of policy Hou 1 d) is acceptable. The design of the development will maintain and enhance a sense of place. The development will have an acceptable impact on neighbouring amenity given the existing site context and will deliver an acceptable level of amenity for future occupiers. There are no material considerations that outweigh this conclusion.

## Links

---

[Policies and guidance for this application](#)

LDPP, LHOU01, LHOU07, LHOU08, LEN02, LEN03, LEN04, LEN06, LEN09, LEN12, LEN16, LEN21, LDES01, LDES03, LDES04, LDES05, LDES07, LTRA02, LTRA03, NSG, NSGD02, NSGSTU, HES, HEPS, HESDEM, HESINT, HESSET, HESEXT, HESUSE,

# Report

## **Application for Planning Permission 19/06070/FUL at St Joseph's Nursing Home, 41 - 45 Gilmore Place, Edinburgh.**

**Student accommodation redevelopment of existing C-listed building providing 230 beds over 29 flats with associated amenity and external landscaping, demolition of extensions and outbuildings and erection of 3 new buildings in rear courtyard.**

### **Recommendations**

---

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

### **Background**

---

#### **2.1 Site description**

The application site relates to the former St Joseph's nursing home which sits on the south side of Gilmore Place. Built as St Joseph's Convent for the Little Sisters of the Poor, it is category C listed (listed on 23 January 1998 LB reference: 44937).

The main building dates from 1889 and incorporates an 18th century house. A chapel was added to the rear in 1897. The front building is three storey and attic high with a high flanking wall largely obscuring the ground floor. A gabled central entrance doorway with a Celtic cross above leads to the main building and there is a vehicle entrance to the west; this is a single road. The building is solid Victorian stone design with pitched slate roofs, crowstepped gables, square dormers and timber sash and case windows.

The rear section of the main building has been substantially altered with modern extensions and fire escapes.

Internally, the main building has no apparent features of interest. The rooms have all been converted for nursing home use and most have suspended ceilings. Staircases are plain.

The chapel to the rear is two storey with stained glass windows. It has been subdivided internally and is now on two floors. Again, it has a plain interior although it has a good barrel vaulted ceiling. It was further extended in 1906.

There are a number of outbuildings which flank the sides of the site enclosing the garden area which has some small trees and bushes. These outbuildings are largely in brick, some single storey, some two storey, and are of various dates some as early as the chapel building. There is currently parking for about 15 cars in the rear area.

The surrounding area has a mixed character. Gilmore Place is a busy arterial route with a mixture of residential properties and guest houses. Tollcross Town Centre at the east end of Gilmore Place has a variety of shops and other commercial uses. To the south, the curved residential tenements of Gillespie Crescent overlook the site. To the west of the site there are further residential properties and the former James Gillespie's High School Darroch Campus, which is currently earmarked for development into a Scottish Gaelic School. On the east boundary of the site sits Edinburgh West End Bowling club, and more residential properties.

Fountainbridge regeneration area centred round the Union Canal is nearby to the north west and the site is within walking distance of the Meadows and other City Centre attractions.

This application site is located within the Marchmont, Meadows and Bruntsfield Conservation Area.

## **2.2 Site History**

20 December 2019 - concurrent listed building application for conversion to student residential accommodation, demolition of outbuildings and replacement with new three storey accommodation around retained landscaped courtyard (application reference: 19/06072/LBC)

## **Main report**

---

### **3.1 Description of the Proposal**

It is proposed to redevelop the site to form student housing. The main listed building and chapel will be retained and converted, and the outbuildings will be demolished and replaced by new three storey blocks on all three sides with a central landscaped courtyard.

The proposed development proposes a total of 230 bed spaces across 29 separate cluster flats. There will be 17 cluster flats in the refurbished existing building, and a further 12 cluster flats in the new build blocks. The cluster flats range in size from three bed to 12 bed. Within these cluster flats there is a range of accommodation provision, including twin rooms, standard rooms with shared bathrooms, en-suite rooms, and 5 accessible bedrooms. Each cluster flat includes a fully equipped kitchen/living area, with adequate cooking and storage facilities for each resident.

In addition to the living accommodation, the proposal provides shared amenity space in the form of music rooms, social space and study space, located across the ground floor of the existing building and into the chapel space. Residents will also have access to a central laundry.

On the main building, the modern rear extensions and fire escape will be removed and the rear facades largely re-instated. A single storey, lightweight, glazed colonnade will be formed at ground floor to aid circulation whilst additionally bringing light into the ground floor. The replacement of the existing external fire escape to the west wing with a fully enclosed reconfigured stair allows for emergency vehicle access to the rear courtyard, whilst ensuring sufficient emergency escape routes are provided from all

proposed flats. The front elevation to Gilmore Place will be largely unchanged apart from a new escape door and the conversion of a window to doors for access to the front bike store. The main entrance to the existing building from Gilmore Place will be maintained.

The chapel will be retained in its current format on two floors with the lower floor forming a cluster flat and a warden's flat and the upper floor as an activated space for residents to congregate and socialise.

The brick outbuildings will be demolished, and three separate blocks will be formed on the east, south and west sides of the courtyard. To the east and west edges, development will reflect the previous outbuildings by being built hard up to boundary walls. The existing tall hedge which sits in line with the retaining wall on the south boundary will be maintained and reinforced with additional planting and the new building here will be set back from the boundary to create separation distance from the gardens of Gillespie Crescent.

The new blocks will be three storeys high and those on the east and west boundaries will be single aspect facing into the courtyard with a single cluster flat on each level. The south block will be double width and dual aspect creating two cluster flats per floor. The elevations will be formed primarily from stone, with a metal roof and feature dormers. The overall design is symmetrical and based on an axis with the centre point of the chapel.

The rear elevation of the south block will include rooflights rather than dormers to ensure there is no direct overlooking of Gillespie Crescent gardens from the second floor. It is noted that the ground floor level of the south block is 2.7m below the garden level of Gillespie Crescent. In addition, the boundary wall is 3m high. This means the ground floor level is 5.7m below the top of the boundary wall and the first floor level is 2.5m below the top of the boundary wall.

A series of formal green spaces will be created as external amenity space. A formal lawn will be created in the centre and this will reflect the symmetrical arrangement of the new buildings. Orchard planting will be formed in the north east entrance courtyard in order to introduce a wider variety of plant species to site and improve biodiversity. Allotment gardens will be created in the north east courtyard space to increase the biodiversity of the site. Various shrub and tree planting to building perimeters will reduce hard landscaping. Stone flag paving will define walkways.

There will be no car parking on the site and the existing access road will only be for emergency vehicles. Cycle parking for 230 bikes will be provided within a dedicated storage area in the main building and secure cycle parking externally. Cycle storage is provided in 4 locations throughout the proposal, arranged across the site in order to provide a number of storage options depending on resident location. Access to these stores will either be via the west access lane or through a small gated courtyard, accessed directly from Gilmore Place.

The current bin store location on the north-west corner will be re-used in the new development. The size of this has been designed in line with City of Edinburgh design guidance to allow adequate provision and mix of bins for the number of potential residents. Resident access to the bin store is provided internally and externally.

The following documents have been provided to support the application:

- Planning Statement;
- Design and Access Statement;
- Conservation Statement;
- Landscape Plan;
- Surface Water Management Plan;
- Ecological Survey;
- Transport Statement;
- Daylight and Sunlight assessment;
- Sustainability form;
- Tree Survey.

These documents are available to view on the Planning Portal.

### Previous scheme

The application has been amended to introduce obscure glazed lower window panes to the southern new build accommodation block in order to maintain the privacy of existing residents.

### **3.2 Determining Issues**

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

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 principle of development is acceptable;
- b) the proposals preserve the character and setting of the listed building;
- c) the proposals preserve or enhance the character or appearance of the conservation area;
- d) the scale, form and design are appropriate;
- e) impact on neighbouring amenity is acceptable;
- f) amenity for future occupiers is acceptable;
- g) the proposal will have any parking, traffic or road safety issues;
- h) there are any other material considerations and
- i) any comments have been addressed.

#### a) Principle of development

The development is proposed entirely as student accommodation including the conversion and the erection of purpose built accommodation. The site lies within the urban area and the principle of development needs to be assessed under Local Development Plan policies Hou 8 (Student Accommodation) and Hou 1 (Housing Development), along with the non statutory student housing guidance.

#### *Student Accommodation*

Policy Hou 8 (Student Accommodation) supports purpose built student accommodation where:

- a) The location is appropriate in terms of access to university and college facilities by walking, cycling or public transport, and
- b) where the proposal will not result in an excessive concentration of student accommodation (including that in the private rented sector) to an extent that would be detrimental to the maintenance of balanced communities or to the established character and residential amenity of the locality.

The supporting non statutory Student Housing Guidance provides additional locational and design guidance.

#### *Location*

The development site is in an appropriate central location and is within walking distance to campuses of Edinburgh and Napier Universities. Gilmore Place itself lies on a national cycle route connecting to a main campus of Edinburgh University and is further served by local and national cycle routes in the vicinity. There are frequent bus services on Gilmore Place and on nearby Home Street which provide access to other campuses, universities and college sites.

## *Concentration*

Part b) of policy Hou 8 seeks to protect areas from an excessive concentration of student accommodation to maintain balanced communities or maintain the established character and residential amenity of the locality.

The application site lies within an area with a mixture of uses where a high residential population combines with the commercial uses of the busy Tollcross Town Centre. The site's location at the eastern end of Gilmore Place notably marks a change from terraced properties mixed with guest houses as adjoins the town centre. Within the town centre, numerous retail and leisure uses occupy the ground floors of high density tenements. Uses immediately bordering the site are also of a mixed nature and include a bowling green, roofing business and the recently approved Gaelic School within the Darroch annex building, alongside residential.

In the wider area, the Fountainbridge neighbourhood is subject to ongoing redevelopment and also contains a mix of uses including high density residential, commercial and student accommodation.

Whilst the number of student bedrooms proposed as part of the application is relatively high, the area has an existing high residential population, busy town centre and a limited transient population. The development scale will complement the existing character, community and town centre and the use is appropriate given the site's central location with good access to universities.

Overall, the proposed student accommodation would not result in a concentration of student housing which is of detriment to character of the area and is accessible to university and college facilities. The proposal accords with LDP policy Hou 8 parts a) and b).

## *Housing*

Policy Hou 1 (Housing Development) part 1 prioritises the delivery of housing on sites identified in the Local Development Plan and other suitable sites in the urban area provided proposals are compatible with other policies in the plan. This is in recognition that windfall sites can contribute to land supply. To comply with Hou 1 d), proposals on sites suitable for housing should give consideration to how they might deliver housing as part of proposals.

In addition, the non statutory student housing guidance sets out requirements for purpose built student accommodation and requires sites with 0.25ha or greater developable area, which do not share a boundary with a main university or college campus, to provide a proportion of housing as part of the development. This is to be calculated at 50% of the gross new build residential floor area.

The site has a total area of 0.6ha. This includes the main listed building, the enclosed rear grounds and existing outbuildings.

It is not proposed to deliver housing or a proportion of housing as part of the development. The applicant has submitted a Planning Statement and Addendum which puts forward the applicant's reasoning for developing the site as exclusively student accommodation. This explains why maintaining the existing use or the development of all or part of the site for general housing is not viable.

With regards to the existing use they have stated that continuing the now ceased care home use would be unviable as the listed building is incompatible with modern care home standards. In developing all or part of the site for housing they have stated that the constraints of converting the listed building both practical and financial are prohibitive. It is put forward that the site layout including the design and setting of the listed building, placement of attached chapel and very limited access to the rear, do not allow for the site to be split into different uses. It is also stated that the site is constrained in terms of providing residential amenity.

Additionally, the applicant has cited the Scottish Government's Planning and Environmental Appeals Division (DPEA) recent decision for Gorgie Road (reference: PPA-230-2298) along with previous appeal decisions. This is with reference to the weight which can be given to the Student Housing Guidance, in particular the stipulation for 50% provision of housing. This appeal was allowed on the basis that the guidance is non-statutory and not adopted policy so less weight can be given to it.

The applicant has also indicated that as the Council is meeting current housing targets and there are other recent housing approvals within the vicinity, development of this site for housing is not essential and the intention of Hou 1 is not a housing first policy.

Whilst it has not been proven that a single use housing redevelopment of the site is not possible, it is accepted that the site poses significant constraints which limit delivery of all or part of the site for housing. Access to the rear of the site is only possible on foot through the front door of the listed building from Gilmore Place or through a very narrow side access in close proximity to an existing residential property. The side access would constrain vehicular servicing and its frequent use would create an undesirable residential environment. Division of the site between uses would exacerbate the issue and the ability to control its use.

The site's listed status is also a principal factor which prevents division between uses. Any splitting up of the site, either the main building or its grounds, would not be desirable due to the negative impact this would have on the understanding and interpretation of the site affecting its special interest.

In addition, if the site was proposed for residential development there would be constraints in amenity. This includes the layout of the east and west outbuildings which sit hard up against the boundary. Any new development would have to follow a similar footprint with limited scope for private amenity. Whilst it is expected that that student accommodation should have amenity standards on a par with residential development, the development of managed communal space here is more appropriate to the context and student use.

It is also noted that all pre-applications discussions concerning housing on the site included a requirement for car parking which was resisted and, as set out in the marketing information, led to the withdrawal of offers.

The conversion of the main listed building is difficult due to its deep plan projecting wings and attached chapel. The proposed student housing use allows the listed building's existing 'cellular' layout to remain in place. It also allows the chapel to remain as large open communal space at the upper storey. The proposal ensures an effective new use for a unique listed building and its grounds whilst causing the least possible harm.

The principle of development is in accordance with LDP policy Hou 8. Whilst the application does not accord with policy Hou 1 d) or part c) of the non statutory student housing guidance as no housing is proposed, the re-use, repair and re-instatement of a significant and unique listed building and grounds is a key material consideration in establishing the principle of developing the site for student accommodation only. The practicality of delivering a small proportion of the site for general housing is not feasible given the access constraints, the layout of the site and the importance of creating a secluded landscape setting to the rear area as part of the listed building's setting rather than a parking area. In this instance, the need to re-use the listed building in a sensitive and practical way takes precedence and the infringement in terms of policy Hou 1 d) is acceptable.

#### b) Character and Setting of the Listed Building

Section 59 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 states:

*In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*

Historic Environment Scotland (HES) guidance note Managing Change: Use and Adaptation of Listed buildings, sets out the principles that apply to converting historic buildings to new uses. Other HES Managing Change guidance which applies to this case includes Demolition, Interiors and Setting.

Historic Environment Scotland's (HES) Managing Change in the Historic Environment guidance note on the use and adaptability of listed buildings is applicable. It states that *for a building to remain in use over the long term, change will be necessary. This reflects changes over time in how we use our buildings and what we expect from them. A building's long-term future is at risk when it becomes hard to alter and adapt it when needed. Proposals that keep buildings in use, or bring them back into use, should be supported as long as they do the least possible harm.*

The building has now been empty for over 2 years and a new use needs to be found for it. It is a difficult building to convert because of its deep plan and the condition of some of the ancillary buildings is poor. However, the current proposals represent a scheme which causes the least possible harm whilst creating a new use for the site and buildings. The changes are assessed below in more detail.

## *Demolition of Outbuildings*

Policy Env 2 of the adopted Edinburgh Local Development Plan (LDP) states that proposals for the total or substantial demolition of a listed building will only be supported in exceptional circumstances, taking into account the condition of the building and the cost of repairing and maintaining it in relation to its importance and to the value to be derived from its continual use.

Historic Environment Scotland's (HES) Managing Change in the Historic Environment guidance note on the Demolition of Listed Buildings states that if one of the following situations applies then the loss of a listed building is likely to be acceptable, as long as this is clearly demonstrated and justified.

- the building is no longer of special interest;
- the building is not capable of meaningful repair;
- the demolition of the building is essential to delivering significant benefits to economic growth or the wider community;
- the repair of the building is not economically viable and it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.

A conservation statement has been submitted with the application. In relation to the outbuildings it states - *It is noted that whilst these brick outbuildings are very different from the main listed building, they respond well to the composition of the site as a whole, and form an interesting frame for the internal garden area. The new proposals follow this composition.*

The conservation statement sets out the history of the buildings starting with the main building built in 1889 and the addition of the chapel on 1897. It has been clarified by the agent that the older east outbuildings were built at the same time as the chapel and some of the west outbuildings were built in 1904 thereby forming part of the listing of the building.

The ones on the east boundary are two storey and single storey; there are also some modern rendered ones either side. The outbuildings on the west boundary are two ranges of single storey units with some modern rendered garages in-between. These early outbuildings are brick with pitched roofs and sash and case windows. It should be noted that the listing description does not mention the outbuildings although this is not a definitive list of what is and is not listed on the site. As the outbuildings do technically form part of the listing, the tests set out in Historic Environment Scotland's Managing Change guidance on Demolition must be applied although there is a lack of clarity in this document about the demolition of curtilage listed buildings such as these.

The key test in this case rests on whether the outbuildings are of special architectural or historic interest. If they are, then the other tests would have to be applied to justify demolition. The applicant's conservation statement assesses the significance of the outbuildings as neutral and cites the Burra Charter as a framework for this determination.

There are a number of charters that the Council recognises as being important in reaching an understanding of the historic environment. The Burra Charter was the first to give a framework for understand the cultural significance of a historic asset and identifies five values that should be applied in determining the significance - aesthetic, historic, scientific, social and spiritual. These can be used to assess the importance of these outbuildings and whether they are of a cultural significance that would merit their retention.

It is acknowledged that aesthetically the buildings form a pleasant grouping round the courtyard but the buildings themselves are not architecturally significant. They do not form a cohesive composition and there is nothing special about their materials and detailing. It is suggested that the main finance went into making sure the front building was of high quality and a cheaper brick was used for these outbuildings. Some were built at the same time as the chapel but whereas care was taken with its form and design to create a historic landmark on the site, there is no evidence that these ancillary outbuildings had any historical connection to the Little Sisters of the Poor in the same way that the Chapel has. There is no scientific or spiritual value to the buildings and socially they would have provided limited housing and ancillary storage for the site.

In assessing the outbuildings against the criteria in the Burra Charter, it is agreed that they are of neutral significance and as such do not form part of the special architectural or historic interest of the listed building. In assessing against the statutory tests in Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, their demolition would preserve the special interest of the listed building and its setting.

Historic Environment Scotland have confirmed they are satisfied that there is justification for demolition on the grounds that these are curtilage buildings which individually are not of special architectural or historic interest.

It is noted that the applicants argue that the repair and re-use of the outbuildings are not economically viable and have provided financial information and cite the marketing history in making their case. This is set out in the Planning Statement and as an appendix to the conservation statement.

The applicants state that the costs involved with repair and conversion of the existing outbuildings would take the project significantly above the viability limit. They state that conversion of the east and west blocks could provide a total of 17 beds at a cost of £72,265 per bed. The proposed new-build design for the east and west blocks will provide a total of 61 beds at a cost of £42,282 per bed. Based on the number of beds lost, there would be an approximate £5.8m drop in the capital value of the completed development. However, no costs have been provided on overall viability taking the whole site into account and based on the fact that the outbuildings are not considered to be of special interest, a full economic viability assessment has not been requested for these outbuildings.

Based on the information submitted, the demolition of the outbuildings is considered acceptable.

### *Alterations to Main Listed Building*

Policy Env 4 (Listed Buildings - Alterations and Extensions) in the LDP states that proposals to alter a listed building will be permitted where those alterations are justified; will not result in unnecessary damage to historic structures or result in a diminution of the building's interest; and any additions would be in keeping with other parts of the building.

Externally, the only change to the front is the change of a window to double doors for access to the front bike store and the conversion of a window to a door for escape purposes. To the rear, the removal of modern extensions is a positive enhancement to the character of the building and the lightweight additions proposed will complement the strong stone facade. The new stair enclosure will be in stone to match the building.

There are no proposals shown for existing features such as original windows and doors. A condition is therefore applied that any proposals to change these will require further approval.

Historic Environment Scotland's guidance document entitled *Managing Change in the Historic Environment: Interiors* states *the interior of a historic building is important in defining its character and special interest. The interest, experience and enjoyment of a historic interior can be derived from a number of factors including its design, structural plan and layout, the quality of its decorative scheme, materials and craftsmanship, fixtures and fittings, any associated archaeology, and historical and cultural associations.*

The interior of this building has few features of interest. The rooms are largely cellular and the staircases plain. Suspended ceilings and en-suites are in most rooms. It is proposed to largely strip out the interior to form the cluster flats, broadly following the existing cellular layout. This will have limited impact as no features of special interest have been identified. However, a condition has been applied to ensure that the building is recorded as work progresses.

The alterations to the main listed building do not affect its special interest and are acceptable.

### *Setting*

LDP Policy Env 3 (Listed Buildings - Setting) states that development within the curtilage or affecting the setting of a listed building will only be permitted if not detrimental to the appearance or character of the building or its setting.

In terms of setting, the building has a strong street frontage which will remain unchanged. The building's setting to the rear is framed by the outbuildings and garden space and the redevelopment will re-create this relationship with symmetrical buildings around a central courtyard with an axis based on the chapel. The new block to the south will further frame the space and add to the sense of enclosure. The new buildings are lower than the main listed buildings and the subservience will be maintained in this development. The design, materials and form of the new buildings complement the main listed building.

The setting of the listed building will be preserved.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the proposals preserve the setting and character of the listed building.

#### c) Character and Appearance of 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.*

LDP Policy Env 6 (Conservation Areas - Development) states that development within a conservation area will be permitted if it preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal and demonstrates high standards of design and utilises materials appropriate to the historic environment.

The site lies on the west side of the Marchmont, Meadows and Bruntsfield Conservation Area. The character appraisal emphasises the tenemental character of the conservation area and the green focus provided by the Meadows and Bruntsfield Links. Predominant materials are stone, slate and timber and the human, urban scale of buildings, even public buildings, is noted. Although the site is not mentioned in the text, it is identified as a focal point in the townscape analysis and lies within a terminated view.

The building will largely be the same from the street and views from other streets are limited. Therefore, the appearance of the conservation area will be unaffected. In terms of character, the development keeps the main building, so this focal point of the conservation area is unchanged. A new rear courtyard with framing buildings will again be created in a style sympathetic to the essential character of the conservation area. The scale, form and materials are compatible with the essential character of the area. Overall, the development will enhance the character of the conservation area by re-invigorating a site that is currently unused and in danger of falling into disrepair. It will retain and re-use a building in institutional use.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the proposals preserve and enhance the character and appearance of the conservation area, in compliance with LDP Policy Env 6.

#### d) Scale, form and design

Policy Des 1 (Design Quality and Context) requires development proposals to create or contribute towards a sense of place. The design should be based on an overall design concept that draws upon the positive characteristics of the surrounding area. Permission will not be granted for proposals that are inappropriate in design or for proposals that would be damaging to the character or appearance of the area.



LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) states that planning permission will be granted for development where it is demonstrated that existing characteristics and features worthy of retention on the site and in the surrounding area, have been identified, incorporated and enhanced through its design.

Policy Des 4 (Development Design - Impact on Setting) also requires development proposals to have a positive impact on its surroundings, including the character of the wider townscape, having regards to its height and form; scale and proportions, including the spaces between the buildings, position of buildings and other features on the site; and the materials and detailing.

The proposal includes alterations to the rear of the main listed building, the removal of outbuildings and formation of three new buildings to the rear.

The alterations to the rear of the listed building are to remove unsympathetic additions reinstating the original facade and adding a new single storey glazed colonnade. As assessed in the previous sections, these changes will have a positive impact on the listed building enhancing its characteristic and appearance. The proposed colonnade, represents a sensitive solution which does not detract from the building's character and wider setting.

The majority of the existing one and two storey outbuildings are utilitarian in nature and built in a different style and material to the main listed building. Despite this they contribute to the sense of place and feeling of enclosure to the rear of the site. Their demolition and replacement with two three storey buildings of a modern design, along with the introduction of a third three storey new building to the southern rear boundary will change the character of this area. However, the overall site design as proposed takes cues from the existing layout and maintains the sense of enclosure and symmetry with single aspect buildings tight up to boundary walls to the east and west. The introduction of the building to the south reaffirms the sense of enclosure.

The proposed buildings though modern in design and higher than the existing outbuildings, respect the established layout and hierarchy of buildings on site. They reflect, in part, the material palette of the main building by the use of stone and maintain a subservience in height and form to the listed building.

The existing wider townscape includes a number of rear developments in different uses and designs. The proposed layout reflects the existing development pattern and the proposed new build elements in their design and layout, will have a positive impact on the existing listed building and the wider townscape with regard to height form, scale and proportions. A condition has been added to ensure that the detailing and materials will be suitable.

The proposal complies within policy Des 1, Des 3 and Des 4 of the LDP.

#### e) Neighbouring amenity

Policy Des 5 (Development Design - Amenity) states that development will be permitted where the amenity of neighbouring development is not adversely affected.

Policy Hou 7 Inappropriate Uses in Residential Areas Developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted.

The Edinburgh Design Guidance (EDG) states - The pattern of development in an area will help to define appropriate distances between buildings and consequential privacy distances.

The site has both residential and commercial properties on all sides with the existing building used as nursing home for a significant period of time. This included the use of many of the rooms as bedrooms sitting directly opposite residential properties on Gilmore Place to the north and Gillespie Street to the west. The proposed use would continue the use of the majority of these spaces as bedrooms or other living areas. The relationship between the site and these neighbouring properties is long established and whilst the demographic of the occupiers of these rooms would change with the new use, the function of the spaces is essentially the same and would not lead to an unacceptable loss of amenity.

The existing east wing of the main building runs along the boundary to the garden ground of number 39 Gilmore Place, a converted townhouse in residential use. Number 39 directly adjoins the main building to the front and lies at a right angle to the east wing. There are six pairs of existing windows to the adjoining elevation which have been in use as bedrooms for the care home. It is proposed to change the use of these rooms to circulation space. The removal of habitable rooms from this elevation reduces the potential for loss of privacy to number 39.

The proposed new buildings to the east and west boundaries are single aspect overlooking the internal courtyard and will not raise issues of loss of privacy or overlooking. The proposed dual aspect building to the southern boundary will sit at 2.7m below the garden level of Gillespie Crescent and an existing 3m boundary wall will be retained. To the third floor of the building, rooflights with partially obscured glazing are proposed to maintain the privacy of existing residents of Gillespie Crescent both within their flats and to communal garden ground. This in combination with a separation distance of 23m to the nearest windows means that an acceptable level of privacy is maintained.

The applicant has submitted a Daylight and Sunlight Assessment. This calculates the levels of daylight and sunlight to existing properties and the proposed student accommodation using vertical sky component and solar shading calculations. These show that for neighbouring properties there will be a limited impact on the garden ground of 6 Gillespie street during the morning; the level of sunlight overall will be in line with the Edinburgh Design Guidance.

Concerns have been raised that the change of use of the listed building and its grounds from residential care to student accommodation introduces an increased risk from noise and disturbance to existing residents.

The area though mixed, does have a high number of residential properties surrounding the site. In the supporting information to the proposal, the applicants have stated that the scheme will be carefully managed. Discussions are ongoing with the University of Edinburgh.

In addition, a high number of live in wardens' flats are proposed situated in locations which provide surveillance. There will be support on site during the day and access to a 24 hour Community Support Team. The development access means all student will enter the site from the busy main road. Purpose built student accommodation is supported in residential areas.

Concerns have also been raised on the impact of cycle storage as proposed to the south west, south east and west boundaries of the site. It is unlikely that these storage areas will be accessed by all students at the same time and given their function, the standalone storage is unlikely to cause significant disturbance.

Environmental Protection was consulted as part of the application and has not raised any objections to the proposal.

The proposed use is considered to be compatible within the uses in the area and will not cause an unacceptable impact with regards to privacy, daylight and sunlight or noise. The proposals comply with policies Des 5 and Hou 7.

#### f) Amenity for future occupiers

The Student Housing Guidance states that student accommodation should comprise a mix of type of accommodation, including cluster units, to meet varying needs of students. It expects that design to be of a high quality with adequate amenity to contribute to healthy and sustainable lifestyles.

The Edinburgh Design Guidance also applies to student accommodation with regard to daylight, sunlight, privacy and outlook.

The proposed development proposes a total of 230 bed spaces across 29 separate cluster flats. There will be 17 cluster flats in the refurbished existing building, and a further 12 cluster flats in the new build blocks. The cluster flats range in size from three bed to 12 bed. Within these cluster flats there is a range of accommodation provision, including twin rooms, standard rooms with shared bathrooms, en-suite rooms, and 5 accessible bedrooms. Each cluster flat includes a fully equipped kitchen/living area, with adequate cooking and storage facilities for each resident.

High quality hard and soft landscaped shared outdoor amenity space is proposed within the rear courtyard. This includes formal lawns, planting, allotments, seating and public art. Within the chapel and ground floor of the listed building shared indoor amenity space is provided including music rooms, social space, study space a central laundry.

The applicant's Daylight and Sunlight Assessment concludes that majority of the bedrooms in the proposed blocks also achieve the minimum average daylight factor as required, with the exception of one bedroom in the south block. This bedroom falls only just below required standards.

The proposed level of amenity for residents is of a high standard with residents having access to shared managed outdoor space, a particular advantage over many existing purpose built student accommodation developments.

Rooms will have adequate space and facilities along with a good outlook over the shared space or within established separation distances. The proposal complies with policy Des 5 and the relevant guidance.

#### g) Transport

Policy Tra 2 states that planning permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels set out in Council guidance.

Policy Tra 3 states that planning permission will be granted for development where proposed cycle parking and storage provision complies with the standards set out in Council guidance.

The development is proposed as car free, with no parking proposed on site and vehicle access restricted. Gilmore Place has existing parking restrictions and students will not be eligible to apply for parking permits. The applicant has indicated in their Transport Statement that at the start and end of term times, when students will be moving in/out of the accommodation, a system of time slots will be used to ensure that the street remains accessible.

100% cycle parking is proposed at 230 spaces. These spaces are spread over different dedicated cycle storage locations on the site to the south west, south east and west boundaries and inside the main building.

As indicated in part a) the site is highly accessible by public transport, walking and cycling. The applicants have stated they will provide a travel plan to residents.

The roads authority was consulted as part of the application and have not raised any objections to the proposal subject to informatives and conditions. These include the provision of costs towards city car club vehicles.

The proposal will reduce the use of cars, prioritises active travel and accords with policies Tra 2 and Tra 3.

#### h) Other planning matters

##### *Flood Protection*

Policy Env 21 (Flood Protection) seeks to ensure development does not result in increased flood risk or be at risk of flooding by demonstrating sustainable drainage measures.

The applicant has a Drainage Strategy and Surface Water Management Plan demonstrating that the development provides suitable drainage and flood protection. These measures have been confirmed as acceptable by the Council's Flood Protection Officer.

Scottish Water have confirmed there is currently sufficient capacity in water and waste water provision to accommodate the development.

## *Ecology*

Policy Env 16 (Species Protection) ensures development will not have an adverse impact on species protected under European or UK law.

A Bat Survey was submitted with the application. This has been reviewed by the Ecology Officer who has confirmed the findings that no bats were found on site.

Following preapplication discussions, the proposed landscaping provides additional planting and landscaping to enhance the ecological value of the site. This includes orchard planting and allotments.

## *Trees*

The applicants have submitted a tree survey. This shows that there are 12 semi mature trees on site. These were assessed as category C trees meaning that they are low quality with no material conservation or other cultural value

Whilst these trees are protected through the conservation area, they do not currently contribute to its setting and are obscured by the presence of St Jospeh's House as indicated in part c). The existing trees will be replaced by 22 new trees along with further shrubs and planting as part of a managed landscaped plan. This replacement is acceptable in this context.

## *Archaeology*

The application site is of historic significance in terms of the current C-listed former Nursing Home and potential for archaeological remains. A programme of archaeological work is conditioned to be undertaken prior to development.

## *Waste*

Bins stores are located in the north west corner, as currently.

## *Air Quality*

The proposal is car free and encourages active travel and the use of public transport this will ensure that there will be no significant impact on air quality.

## i) Public comments

### **Material Comments - objections**

- Principle of student housing and overprovision in the area - addressed in Section 3.3 a);
- Does not comply with student housing guidance - addressed in Section 3.3 a);
- Lost opportunity for housing - addressed in Section 3.3 a);
- Need for the provision of family and affordable housing - addressed in Section 3.3 a);
- Should be a mixed scheme of elderly care and students - addressed in Section 3.3 a);

- Impact on listed building and its setting - addressed in Section 3.3 b);
- Demolition of outbuildings - addressed in 3.3 b);
- Impact on conservation area - addressed in Section 3.3 c);
- Overdevelopment and poor scale, massing and design - addressed in Section 3.3 d);
- Noise impacts from students, bike sheds, fire alarms and heating and ventilation - addressed in Section 3.3 e);
- Impact on amenity, privacy, outlook, overshadowing, daylight and sunlight to neighbouring properties and garden - addressed in Section 3.3 e);
- Existing problems of anti-social behaviour , flytipping and littering - addressed in Section 3.3 e);
- Design is safety risk to occupiers - addressed in Section 3.3 f);
- Impact on parking - addressed in Section 3.3 g);
- Residents' parking spaces should be increased - no additional parking is proposed for students, addressed in Section 3.3 g);
- Impact of congestion leading to reduction in air quality - addressed in Section 3.3 h);
- Loss of trees - addressed in Section 3.3 h);
- Water supply issues - addressed in Section 3.3 h);
- Risk of flooding from reduced surface area - addressed in Section 3.3 h);
- Impact on wildlife - addressed in Section 3.3 h);
- Student housing next to school and nursery is incompatible - addressed in Section 3.3 a);
- No public realm improvements - the existing public realm is sufficient to accommodate the proposed use;
- No medical practice - the area is in a central location served by a number of medical practices.

### **Non-material comments**

- Students keep anti-social hours - this is not a planning matter;
- Lack of maintenance of existing Leylandii trees - this is not a planning matter;
- Loss of private view - this is not a planning matter;
- Development could become short-term lets - this would require further planning applications;
- HMOs should be restricted if the development goes ahead - this is not within the scope of the application;
- Does not contribute to council tax - this is not a planning matter;
- Character of the existing area changed with more commercial uses - this is not a planning matter;
- Impact on retail offer - this is not a planning matter;
- Plans misleading - these have been assessed and addressed were necessary as part of the application.

### **Support**

- Positive support for reuse of vacant listed building and the need for purpose built student accommodation to reduce impact on housing stock - addressed in Sections 3.3 a) and b).

## Neutral comments

- Introduction of obscure glazing to upper level windows in south block acceptable;
- Reuse of building supported.

## Community Council

Tollcross Community Council have objected to the application. Key issues raised include:

- Overprovision of student accommodation in the area - addressed in Section 3.3 a);
- Inappropriate location - addressed in Section 3.3 a);
- Preference for housing - addressed in Section 3.3 a);
- Impact on amenity, privacy, outlook, overshadowing, daylight and sunlight to neighbouring properties and garden - addressed in Section 3.3 e);

## Conclusion

This proposal will deliver a new use for this unique listed building and grounds whilst preserving its setting and features of architectural and historic interest.

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and setting of the listed building and preserves and enhances the character and appearance of the conservation area.

With regards to student accommodation development, the proposals comply with the adopted Edinburgh Local Development Plan. It is accepted that provision of some housing on this site is not practicable and the infringement of policy Hou 1 d) is acceptable. The design of the development will maintain and enhance a sense of place. The development will have an acceptable impact on neighbouring amenity given the existing site context and will deliver an acceptable level of amenity for future occupiers. There are no material considerations that outweigh this conclusion.

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

## 3.4 Conditions/reasons/informatives

### Conditions: -

1. A detailed building survey (phased plans, elevations, photographic and written survey) shall be undertaken prior to and during development and submitted to the Planning Authority.
2. All original windows and doors, including the main entrance door, shall be retained unless shown on the drawings hereby approved. Any alterations to these features will require the further 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. A comprehensive specification of windows, roofs and all external materials, including detail drawings, trade names and material samples shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
5. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
6. The obscure glazing as shown on approved plans must be implemented prior to occupation and remain in place in perpetuity.

**Reasons:-**

1. To ensure that a permanent record of this historic building is undertaken
2. In order to safeguard the character of the statutorily listed building.
3. In order to safeguard the interests of archaeological heritage.
4. In order to enable the planning authority to consider this/these matter/s in detail.
5. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
6. In order to protect neighbouring residential amenity.

**Informatives**

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. 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.
3. 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.



4. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), 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.
5. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation.
6. The applicant should be advised that as the development is student housing, they will not be eligible for residential parking permits in accordance with the transport and Environment Committee decision of 4 June 2013.

## **Financial impact**

---

### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

## **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 has been assessed and has no impact in terms of equalities or human rights.

## **Sustainability impact**

---

### **7.1 The sustainability impact has been assessed as follows:**

This application meets the sustainability requirements of the Edinburgh Design Guidance.

## **Consultation and engagement**

---

### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

### **8.2 Publicity summary of representations and Community Council comments**

The application was advertised on 17 January 2020.

A total of 115 representations were received relating to the proposal. These included 88 objections, 23 support comments and three neutral comments. Objections included a response from Tollcross Community Council.

The representations are summarised and addressed in the assessment section of this report.

## **Background reading/external references**

---

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

## **Statutory Development**

### **Plan Provision**

The site is located within the urban area of the Edinburgh Local Development Plan.

### **Date registered**

6 January 2020

### **Drawing numbers/Scheme**

01-30, 31A, 32-38,

Scheme 2

## **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lynne McMenemy, Senior Planning Officer

E-mail: [lynne.mcmenemy@edinburgh.gov.uk](mailto:lynne.mcmenemy@edinburgh.gov.uk)

## **Links - Policies**

---

### **Relevant Policies:**

#### **Relevant policies of the Local Development Plan.**

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

LDP Policy Hou 8 (Student Accommodation) sets out the criteria for assessing purpose-built student accommodation.

LDP Policy Env 2 (Listed Buildings - Demolition) identifies the circumstances in which the demolition of listed buildings will be permitted.

LDP 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.

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

LDP Policy Env 16 (Species Protection) sets out species protection requirements for new development.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

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

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 7 (Layout design) sets criteria for assessing layout design.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

### **Relevant Non-Statutory Guidelines**

**Non-Statutory guidelines** Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

**Non-statutory guidelines** Student Housing Guidance interprets local plan policy, supporting student housing proposals in accessible locations provided that they will not result in an excessive concentration.

## **Relevant Government Guidance on Historic Environment.**

The Historic Environment Policy for Scotland 2019 outlines Government policy on how we should care for the historic environment when taking planning decisions.

Managing Change in the Historic Environment: Demolition sets out Government guidance on the principles that apply to the demolition of listed buildings.

Managing Change in the Historic Environment: Interiors sets out Government guidance on the principles that apply to alterations to the interiors of listed buildings.

Managing Change in the Historic Environment: Setting sets out Government guidance on the principles that apply to developments affecting the setting of historic assets or places.

Managing Change in the Historic Environment: Extensions sets out Government guidance on the principles that apply to extending listed buildings.

Managing Change in the Historic Environment: Use and Adaptation of Listed Buildings sets out Government guidance on the principles that apply to enable the use, the reuse and adaptation of listed buildings.

# Appendix 1

## **Application for Planning Permission 19/06070/FUL At St Joseph's Nursing Home, 41 - 45 Gilmore Place, Edinburgh.**

**Student accommodation redevelopment of existing C-listed building providing 230 beds over 29 flats with associated amenity and external landscaping, demolition of extensions and outbuildings and erection of 3 new buildings in rear courtyard.**

### **Consultations**

---

#### ***Historic Environment Scotland***

*The proposals affect the following:  
Ref LB44937*

*Name 41-45 (ODD NOS) GILMORE PLACE, LITTLE SISTERS OF THE POOR /ST JOSEPH'S NURSING HOME, INCLUDING BOUNDARY WALLS, GATEPIERS AND GATES*

*Designation Type Listed Building*

#### ***Our Advice***

*The application relates to the above category C listed T-plan block, largely late 19th century incorporating an 18th century house (central 7 bays), comprising the former Little Sisters of the Poor nursing home with chapel at the rear.*

*Given its C listing, our locus is specific to the proposed demolition of the east and west outbuildings at the rear of the site, which are within the curtilage of the listed building but not the main subject of the listing. These comprise two ranges of single and two storey ancillary buildings of a relatively plain red brick and slate roofed construction. The east outbuildings appear to date from the late 19th century (as indicated in the 1896 OS map), while the west outbuildings appear to date from the early to mid-20th century. While the buildings may have some historic merit as part of the former convent/nursing home, it is our view that they are of insufficient special interest in themselves. Although the applicant's case for demolition seems to be based on the repair and re-use of the buildings not being economically viable, we are satisfied that there is justification for their demolition on the grounds that these are curtilage buildings which individually are not of special architectural or historic interest.*

*Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on listed building consent, together with related policy guidance.*

### *Further Information*

*This response applies to the application currently proposed. An amended scheme may require another consultation with us.*

*Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at [www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/](http://www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/). Technical advice is available through our Technical Conservation website at [www.englished.org](http://www.englished.org).*

*As this application involves the demolition of a listed building, if consent is granted there is a separate requirement through section 7 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 (as amended) to allow us the opportunity to carry out recording of the building. To avoid any unnecessary delay in the case of consent being granted, applicants are strongly encouraged to complete and return the Consent Application Referral Form found at [www.historicenvironment.scot/about-us/what-we-do/survey-and-recording/threatened-buildings-survey-programme](http://www.historicenvironment.scot/about-us/what-we-do/survey-and-recording/threatened-buildings-survey-programme).*

### **Roads Authority**

*No objections to the application subject to the following being included as conditions or informatives as appropriate:*

- 1. In support of the Council's LTS Cars1 policy, the applicant should contribute the sum of £12,500 (£1,500 per order plus £5,500 per car) towards the provision of two car club vehicles in the area;*
- 2. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;*
- 3. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), 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;*
- 4. The applicant should be advised that as the development is student housing, they will not be eligible for residential parking permits in accordance with the Transport and Environment Committee decision of 4 June 2013.*

*Note:*

- a) The applicant proposes zero parking spaces and complies with the Council parking standards In Zone 1. The proposed area is accessible by public transport and has good active travel routes to the various University Campuses;*
- b) Refuse collection will take place on Gilmore Place;*
- c) The applicant proposes 254 cycle parking spaces on ground floor and complies with the Council parking standards which requires a minimum of 230 cycle parking spaces for the proposed development in Zone 1. The cycle parking to the west of the development is expected to be secure and covered.*
- d) The development is predicted to generate a total two-way peak people trip of 43(walking 20, public transport 10, cycling 6) and 63(walking 30, public transport 21, cycling 8) respectively for the morning (08:00-09:00) and evening (17:00-18:00).*

### **Waste**

**REFERENCE NUMBER: 19/06070/FUL**

*As this is to be a residential development for students, waste and cleansing services would be expected to be the service provider for the collection of domestic waste (Only).*

*Waste strategy agreed at this stage Y/N Y*

*I can now confirm this development has provided the requested information for the bin stores and these are shown to be in line with our instruction for architects guidance and waste and recycling requirements have been fully considered.*

*I would ask that the architect passes my contact information to the developer/builder and to stress that they will need to contact this department a minimum of 12 weeks prior to any collection agreement to allow us time to arrange a site visit and to add these to our collection systems.*

*A site visit will be conducted to ensure that this has been constructed inline with our agreement. Any waste produced on site by the residents/occupants will be the responsibility of the developer/builder until such times as the final part of our agreement and waste collections are in place.*

### **Flood Planning**

*Final response: This application can proceed to determination, with no further comments from our department.*

*Our previous comment was to clarify the feasibility of attenuating further runoff from the existing roof - the applicant has confirmed this is not feasible. We would welcome the applicant to explore additional SuDS during the detailed design, but a condition may not be needed.*

### **Scottish Water**

#### *Audit of Proposal*

*Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:*

#### *Water Capacity Assessment*

*Scottish Water has carried out a Capacity review and we can confirm the following:*

*There is currently sufficient capacity in the GLENCOURSE Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.*

#### *Waste Water Capacity Assessment*

*There is currently sufficient capacity for a foul only connection in the EDINBURGH PFI Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.*



## *Please Note*

*The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.*

## *Surface Water*

*For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.*

*There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.*

*In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.*

*Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.*

*If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.*

*Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.*

*The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.*

*Please find information on how to submit application to Scottish Water at our Customer Portal.*

## **Environmental Protection**

*I refer to the above and would advise that Environmental Protection has no objections to the proposed development.*

*The application proposes the change of use of an existing nursing home to student accommodation on Gilmore Place. Residential properties surround the site to the south, west and east. Gilmore Place bounds the site to the north.*

*Environmental Protection advised at the pre-application stage that there was the potential that noise could affect surrounding residential properties from residents entering and exiting the properties late at night. An entrance lane exists to the west of the development which is overlooked by residential property windows. Therefore, there remains the possibility that noise could impact upon residential amenity should that entrance be used as a late night entrance and exit for residents. In this regard, the applicant has acknowledged this as a potential issue and in association with the end user (Edinburgh University) propose to actively manage noise issues by way of 24-hour on-site staff presence. In addition, should the lane be found to be causing noise complaints, this entrance could be closed off during the night time hours and the main front entrance used.*

*The application proposes zero resident's car parking spaces (with a limited number available for staff) and includes 100% cycle storage provision. The area is very well served by public transport, walking and cycling routes and therefore zero resident's car parking is strongly supported by Environmental Protection.*

*Therefore, Environmental protection would offer no objections to this development.*

## **Archaeology**

### *St Joseph's Nursing Home 41-45 Gilmore Place*

*Further to your consultation request I would like to make the following comments and recommendations regarding these linked LBC & FUL applications for student accommodation redevelopment of the existing C-listed building, providing 230 beds over 29 flats with associated amenity and external landscaping, demolition of extensions and outbuildings and erection of 3 new buildings in rear courtyard.*

*This C-listed former nursing home run by the Little Sisters of The Poor, was built in the mid-19th century. Although the listing states that the main building incorporates a Georgian late-18th century building, map evidence doesn't support this early-date with no structure recorded on Ainslie's 1804 map. Rather the first building on site dates to the period between this map and Kirkwood's 1817 map of Edinburgh. Ainslie's 1804 plan shows the site forming part of a larger area of enclosed open ground under the ownership of a Mr Gilmour and it is likely that it was historically farmland on the edge of the Burghmuir dating back to the medieval period. Excavations nearby adjacent to Lochrin Basin have uncovered evidenced for previously unknown medieval occupation in the area and it is possible that such remains may occur here.*

*The application site is of historic significance in terms of the current C-listed former Nursing Home and potential for archaeological remains. As such any forthcoming application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP) and HES's Historic Environment Policy (HEPs)*

2016 and CEC's Edinburgh Local Development Plan (2016) Policies DES 3, ENV4, ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

#### **St Josephs Nursing Home Buildings**

*It is welcomed that the main elements of this listed former care home will be retained and converted. However, such works will impact upon both its character and historic fabric. However, its essential that a detailed building survey (phased plans, elevations, photographic and written survey) is undertaken prior to and during development. This to ensure that a permanent record of this historic building is undertaken and to provide evidence for its development and use since the early 19th century.*

#### **Buried remains**

*As stated the development has the potential for disturbing archaeological remains relating to the development and use of the care home from its origins as a Georgian Villa through to religious care home in the late 19th century. It is also possible that earlier remains, dating back to the medieval period, may be present. As such it is essential that a programme of archaeological work is undertaken prior to development in order to fully excavate, analyse and record any archaeological remains that may be affected.*

*This will require the undertaking of a phased programme of archaeological investigation, the first phase of which will be the undertaking of an archaeological evaluation. The results from this initial phase of work will produce detailed mitigation strategies to be drawn up to ensure the appropriate protection and/or excavation, analysis and recording of any surviving archaeological remains prior to construction commencing.*

*It is recommended therefore that the following condition is attached to any consent/permission granted to ensure that a programme of archaeological work is undertaken and to record any significant archaeological remains and historic fabric affected.*

*'No alterations/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'*

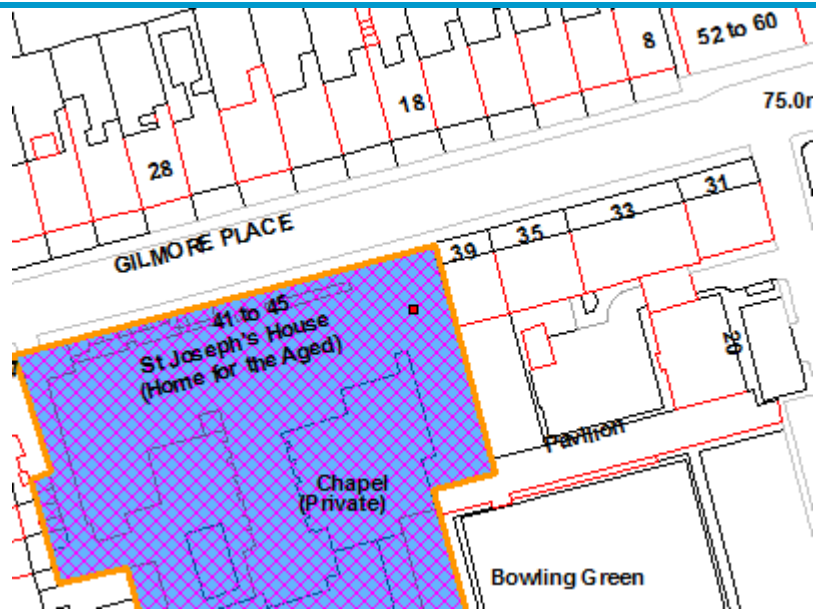
*The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.*

#### **Ecology**

*There was no evidence of roosting bats so there are no issues affecting the determination of the application.*

## Location Plan

---



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

## Development Management Sub Committee

**Wednesday 29 July 2020**

**Application for Listed Building Consent 19/06072/LBC  
At St Joseph's Nursing Home, 41 - 45 Gilmore Place,  
Edinburgh.**

**Conversion to student residential accommodation with  
communal facilities at ground floor and in chapel; demolish  
existing east and west outbuildings and extensions and  
replace with new 3 storey accommodation around retained  
landscaped courtyard.**

**Item number**

**Report number**

**Wards**

B11 - City Centre

### Summary

---

This proposal will deliver a new use for this listed building whilst preserving its main features of architectural and historic interest.

The works comply with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as they preserve the character and setting of the listed building and preserve the character and appearance of the conservation area. The internal alterations do not involve the loss of any features which contribute to the special interest of the listed building and the external works preserve the frontage and involve acceptable change to the exterior. The demolition of the outbuildings is acceptable.

## Links

---

[Policies and guidance for this application](#)

HES, HEPS, HESDEM, HESINT, HESSET, HESEXT, HESUSE, LDPP, LEN02, LEN03, LEN04, LEN06, NSG, CRPMAR,

# Report

## **Application for Listed Building Consent 19/06072/LBC At St Joseph's Nursing Home, 41 - 45 Gilmore Place, Edinburgh.**

**Conversion to student residential accommodation with communal facilities at ground floor and in chapel; demolish existing east and west outbuildings and extensions and replace with new 3 storey accommodation around retained landscaped courtyard.**

### **Recommendations**

---

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

### **Background**

---

#### **2.1 Site description**

The application site relates to the former St Joseph's nursing home which sits on the south side of Gilmore Place. Built as St Joseph's Convent for the Little Sisters of the Poor, it is category C listed (listed on 23 January 1998 LB reference: 44937).

The main building dates from 1889 and incorporates an 18th century house. A chapel was added to the rear in 1897. The front building is three storey and attic high with a high flanking wall largely obscuring the ground floor. A gabled central entrance doorway with a Celtic cross above leads to the main building and there is a vehicle entrance to the west; this is a single road. The building is solid Victorian stone design with pitched slate roofs, crowstepped gables, square dormers and timber sash and case windows.

The rear section of the main building has been substantially altered with modern extensions and fire escapes.

Internally, the main building has no apparent features of interest. The rooms have all been converted for nursing home use and most have suspended ceilings. Staircases are plain.

The chapel to the rear is two storey with stained glass windows. It has been subdivided internally and is now on two floors. Again, it has a plain interior although it has a good barrel vaulted ceiling. It was further extended in 1906.

There are a number of outbuildings which flank the sides of the site enclosing the garden area which has some small trees and bushes. These outbuildings are largely in brick, some single storey, some two storey, and are of various dates some as early as the chapel. There is currently parking for about 15 cars in the rear area.

This application site is located within the Marchmont, Meadows and Bruntsfield Conservation Area.

## 2.2 Site History

6 January 2020 - concurrent planning application for conversion to student residential accommodation, demolition of outbuildings and replacement with new three storey accommodation around retained landscaped courtyard (application reference: 19/06070/FUL)

## Main report

---

### 3.1 Description of the Proposal

It is proposed to redevelop the site to form student housing. The main listed building and chapel will be retained and converted, and the outbuildings will be demolished and replaced by new three storey blocks on all three sides with a central landscaped courtyard.

The proposed development proposes a total of 230 bed spaces across 29 separate cluster flats. There will be 17 cluster flats in the refurbished existing building, and a further 12 cluster flats in the new build blocks. The cluster flats range in size from three bed to 12 bed. Within these cluster flats there is a range of accommodation provision, including twin rooms, standard rooms with shared bathrooms, en-suite rooms, and 5 accessible bedrooms. Each cluster flat includes a fully equipped kitchen/living area, with adequate cooking and storage facilities for each resident.

In addition to the living accommodation, the proposal provides shared amenity space in the form of music rooms, social space and study space, located across the ground floor of the existing building and into the chapel space. Residents will also have access to a central laundry.

On the main building, the modern rear extensions and fire escape will be removed and the rear facades largely re-instated. A single storey, lightweight, glazed colonnade will be formed at ground floor to aid circulation whilst additionally bringing light into the ground floor. The replacement of the existing external fire escape to the west wing with a fully enclosed reconfigured stair allows for emergency vehicle access to the rear courtyard, whilst ensuring sufficient emergency escape routes are provided from all proposed flats. The front elevation to Gilmore Place will be largely unchanged apart from a new escape door and the change of a window to double doors for access to the bike store. The main entrance to the existing building from Gilmore Place will be maintained.

Internally, the main building will be reconfigured.

The chapel will be retained in its current format on two floors with the lower floor forming a cluster flat and a warden's flat and the upper floor as an activated space for residents to congregate and socialise.

The brick outbuildings will be demolished, and three separate blocks will be formed on the east, south and west sides of the courtyard.



To the east and west edges, development will reflect the previous outbuildings by being built hard up to boundary walls. The existing tall hedge which sits in line with the retaining wall on the south boundary will be maintained and reinforced with additional planting and the new building here will be set back from the boundary to create separation distance from the gardens of Gillespie Crescent.

The new blocks will be three storeys high and those on the east and west boundaries will be single aspect facing into the courtyard. The south block will be double width and dual aspect. The elevations will be formed primarily from stone, with a metal roof and feature dormers. The overall design is symmetrical and based on an axis with the centre point of the chapel.

A series of formal green spaces will be created along with external cycle storage. There will be no car parking on the site.

The following documents have been provided to support the application:

- Planning Statement;
- Design and Access Statement; and
- Conservation Statement.

These documents are available to view on the Planning Portal.

### **3.2 Determining Issues**

Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - 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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

In determining applications for listed building consent, the Development Plan is not a statutory test. However, the policies of the Local Development Plan (LDP) inform the assessment of the proposals and are a material consideration.

### **3.3 Assessment**

To address these determining issues, the Committee needs to consider whether:

- a) the proposals preserve the character of the listed building;
- b) the proposals preserve or enhance the character or appearance of the conservation area;
- c) All public comments received have been addressed.

## a) Character of the Listed Building

In determining applications for planning permission or listed building consent, the Council is required to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest that it possesses.

Paragraph 4 of Historic Environment Policy for Scotland 2019 (HEPS) identifies that:

*The documents that should be referenced for the management of the historic environment are Scottish Planning Policy, Our Place in Time: The Historic Environment Strategy for Scotland, the associated primary and secondary legislation and Historic Environment Scotland's Managing Change series of guidance notes.*

HEPS outlines how we should undertake our duty of care whenever a decision affects the historic environment. It contains a number of policies including a policy statement that decisions affecting the historic environment should be informed by an inclusive understanding of its breadth and cultural significance. Other policies stress that detrimental impacts should be avoided. Where appropriate opportunities for enhancement should be sought.

Historic Environment Scotland (HES) guidance note Managing Change: Use and Adaptation of Listed buildings, sets out the principles that apply to converting historic buildings to new uses. Other HES Managing Change guidance which applies to this case includes Demolition, Interiors and Setting.

Historic Environment Scotland's (HES) Managing Change in the Historic Environment guidance note on the use and adaptability of listed buildings is applicable. It states that *for a building to remain in use over the long term, change will be necessary. This reflects changes over time in how we use our buildings and what we expect from them. A building's long-term future is at risk when it becomes hard to alter and adapt it when needed. Proposals that keep buildings in use, or bring them back into use, should be supported as long as they do the least possible harm.*

The building has now been empty for over 2 years and a new use needs to be found for it. It is a difficult building to convert because of its deep plan and the condition of some of the ancillary buildings is poor. However, the current proposals represent a scheme which causes the least possible harm whilst creating a new use for the site and buildings. The changes are assessed below in more detail.

### *Demolition of Outbuildings*

Policy Env 2 of the adopted Edinburgh Local Development Plan (LDP) states that proposals for the total or substantial demolition of a listed building will only be supported in exceptional circumstances, taking into account the condition of the building and the cost of repairing and maintaining it in relation to its importance and to the value to be derived from its continual use.

Historic Environment Scotland's (HES) Managing Change in the Historic Environment guidance note on the Demolition of Listed Buildings states that if one of the following situations applies then the loss of a listed building is likely to be acceptable, as long as this is clearly demonstrated and justified.

- the building is no longer of special interest;
- the building is not capable of meaningful repair;
- the demolition of the building is essential to delivering significant benefits to economic growth or the wider community;
- the repair of the building is not economically viable, and it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.

A conservation statement has been submitted with the application. In relation to the outbuildings it states - *It is noted that whilst these brick outbuildings are very different from the main listed building, they respond well to the composition of the site as a whole, and form an interesting frame for the internal garden area. The new proposals follow this composition.*

The conservation statement sets out the history of the buildings starting with the main building built in 1889 and the addition of the chapel on 1897. It has been clarified by the agent that the older east outbuildings were built at the same time as the chapel and some of the west outbuildings were built in 1904 thereby forming part of the listing of the building.

The ones on the east boundary are two storey and single storey; there are also some modern rendered ones either side. The outbuildings on the west boundary are two ranges of single storey units with some modern rendered garages in-between. These early outbuildings are brick with pitched roofs and sash and case windows. It should be noted that the listing description does not mention the outbuildings although this is not a definitive list of what is and is not listed on the site. As the outbuildings do technically form part of the listing, the tests set out in Historic Environment Scotland's Managing Change guidance on Demolition must be applied although there is a lack of clarity in this document about the demolition of curtilage listed buildings such as these.

The key test in this case rests on whether the outbuildings are of special architectural or historic interest. If they are, then the other tests would have to be applied to justify demolition. The applicant's conservation statement assesses the significance of the outbuildings as neutral and cites the Burra Charter as a framework for this determination.

There are a number of charters that the Council recognises as being important in reaching an understanding of the historic environment. The Burra Charter was the first to give a framework for understand the cultural significance of a historic asset and identifies five values that should be applied in determining the significance - aesthetic, historic, scientific, social and spiritual. These can be used to assess the importance of these outbuildings and whether they are of a cultural significance that would merit their retention.

It is acknowledged that aesthetically the buildings form a pleasant grouping round the courtyard but the buildings themselves are not architecturally significant. They do not form a cohesive composition and there is nothing special about their materials and detailing. It is suggested that the main finance went into making sure the front building was of high quality and a cheaper brick was used for these outbuildings. Some were built at the same time as the chapel but whereas care was taken with its form and design to create a historic landmark on the site, there is no evidence that these ancillary outbuildings had any historical connection to the Little Sisters of the Poor in the same way that the Chapel has. There is no scientific or spiritual value to the buildings and socially they would have provided limited housing and ancillary storage for the site.

In assessing the outbuildings against the criteria in the Burra Charter, it is agreed that they are of neutral significance and as such do not form part of the special architectural or historic interest of the listed building. In assessing against the statutory tests in Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, their demolition would preserve the special interest of the listed building and its setting.

Historic Environment Scotland have confirmed they are satisfied that there is justification for demolition on the grounds that these are curtilage buildings which individually are not of special architectural or historic interest.

It is noted that the applicants argue that the repair and re-use of the outbuildings are not economically viable and have provided financial information and cite the marketing history in making their case. This is set out in the Planning Statement and as an appendix to the conservation statement.

The applicants state that the costs involved with repair and conversion of the existing outbuildings would take the project significantly above the viability limit. They state that conversion of the east and west blocks could provide a total of 17 beds at a cost of £72,265 per bed. The proposed new-build design for the east and west blocks will provide a total of 61 beds at a cost of £42,282 per bed. Based on the number of beds lost, there would be an approximate £5.8m drop in the capital value of the completed development. However, no costs have been provided on overall viability taking the whole site into account and based on the fact that the outbuildings are not considered to be of special interest, a full economic viability assessment has not been requested for these outbuildings.

Based on the information submitted, the demolition of the outbuildings is considered acceptable.

#### *Alterations to Main Listed Building*

Policy Env 4 (Listed Buildings - Alterations and Extensions) in the Edinburgh Local Development Plan (LDP) states that proposals to alter a listed building will be permitted where those alterations are justified; will not result in unnecessary damage to historic structures or result in a diminution of the building's interest; and any additions would be in keeping with other parts of the building.

Externally, the only change to the front is the change of a window to double doors for access to the front bike store and the conversion of a window to a door for escape purposes. To the rear, the removal of modern extensions is a positive enhancement to the character of the building and the lightweight additions proposed will complement the strong stone facade. The new stair enclosure will be in stone to match the building.

There are no proposals shown for existing features such as original windows and doors. A condition is therefore applied that any proposals to change these will require further approval.

Historic Environment Scotland's guidance document entitled *Managing Change in the Historic Environment: Interiors* states *the interior of a historic building is important in defining its character and special interest. The interest, experience and enjoyment of a historic interior can be derived from a number of factors including its design, structural plan and layout, the quality of its decorative scheme, materials and craftsmanship, fixtures and fittings, any associated archaeology, and historical and cultural associations.*

The interior of this building has few features of interest. The rooms are largely cellular and the staircases plain. Suspended ceilings and en-suites are in most rooms. It is proposed to largely strip out the interior to form the cluster flats. This will have limited impact as no features of special interest have been identified. However, a condition has been applied to ensure that the building is recorded as work progresses.

The alterations to the main listed building do not affect its special interest and are acceptable.

### *Setting*

LDP Policy Env 3 (Listed Buildings - Setting) states that development within the curtilage or affecting the setting of a listed building will only be permitted if not detrimental to the appearance or character of the building or its setting.

In terms of setting, the building has a strong street frontage which will remain unchanged. The building's setting to the rear is framed by the outbuildings and garden space and the redevelopment will re-create this relationship with symmetrical buildings around a central courtyard with an axis based on the chapel. The new buildings are lower than the main listed buildings and the subservience will be maintained in this development. The design, materials and form of the new buildings complement the main listed building.

The setting of the listed building will be preserved.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the proposals preserve the setting and character of the listed building.

### b) Character and Appearance of 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.*

LDP Policy Env 6 (Conservation Areas - Development) states that development within a conservation area will be permitted if it preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal and demonstrates high standards of design and utilises materials appropriate to the historic environment.

The site lies on the west side of the Marchmont, Meadows and Bruntsfield Conservation Area. The character appraisal emphasises the tenemental character of the conservation area and the green focus provided by the Meadows and Bruntsfield Links. Predominant materials are stone, slate and timber and the human, urban scale of buildings, even public buildings, is noted. Although the site is not mentioned in the text, it is identified as a focal point in the townscape analysis and lies within a terminated view.

The building will largely be the same from the street and views from other streets are limited. Therefore, the appearance of the conservation area will be unaffected. In terms of character, the development keeps the main building, so this focal point of the conservation area is unchanged. A new rear courtyard with framing buildings will again be created in a style sympathetic to the essential character of the conservation area. The scale, form and materials are compatible with the essential character of the area. Overall, the development will enhance the character of the conservation area by re-invigorating a site that is currently unused and in danger of falling into disrepair. It will retain and re-use a building in institutional use.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the proposals preserve and enhance the character and appearance of the conservation area, in compliance with LDP Policy Env 6.

### c) Public Comments

#### **Material Comments - objections**

- demolition of outbuildings - addressed in 3.3a);

#### **Non-material comments**

- use as student accommodation - this is not a consideration in listed building consent;
- privacy - this is not a consideration in listed building consent;
- noise - this is not a consideration in listed building consent;
- pressure on local services - this is not a consideration in listed building consent;
- increased parking - this is not a consideration in listed building consent;
- lost opportunity for housing - this is not a consideration in listed building consent; and
- increased demand for water - this is not a consideration in listed building consent.

## **Conclusion**

This proposal will deliver a new use for this listed building whilst preserving its main features of architectural and historic interest.

The works comply with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as they preserve the character and setting of the listed building and preserve the character and appearance of the conservation area. The internal alterations do not involve the loss of any features which contribute to the special interest of the listed building and the external works preserve the frontage and involve acceptable change to the exterior. The brick outbuildings do not form part of the special architectural or historic interest of the listed building and their demolition is considered acceptable.

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

### **3.4 Conditions/reasons/informatives**

#### **Conditions:-**

1. A detailed building survey (phased plans, elevations, photographic and written survey) shall be undertaken prior to and during development and submitted to the Planning Authority.
2. All original windows and doors, including the main entrance door, shall be retained unless shown on the drawings hereby approved. Any alterations to these features will require the further approval of the planning authority.

#### **Reasons:-**

1. To ensure that a permanent record of this historic building is undertaken
2. In order to safeguard the character of the statutorily listed building.

#### **Informatives**

It should be noted that:

1. The works 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:**

There are no financial implications to the Council.

## **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 has been assessed and has no impact in terms of equalities or human rights.

## **Sustainability impact**

---

### **7.1 The sustainability impact has been assessed as follows:**

This application meets the sustainability requirements of the Edinburgh Design Guidance.

## **Consultation and engagement**

---

### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

### **8.2 Publicity summary of representations and Community Council comments**

The application was advertised on 17 January 2020.

Four objection comments were received on this application. These are considered in section 3.1 of the report.

## **Background reading/external references**

---

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)



## **Statutory Development**

### **Plan Provision**

The site is located within the urban area of the Edinburgh Local Development Plan.

### **Date registered**

20 December 2019

### **Drawing numbers/Scheme**

01-30, 31A, 32-36,

Scheme 2

## **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lynne McMenemy, Senior Planning Officer

E-mail: [lynne.mcmenemy@edinburgh.gov.uk](mailto:lynne.mcmenemy@edinburgh.gov.uk)

## **Links - Policies**

---

### **Relevant Policies:**

#### **Relevant Government Guidance on Historic Environment.**

The Historic Environment Policy for Scotland 2019 outlines Government policy on how we should care for the historic environment when taking planning decisions.

Managing Change in the Historic Environment: Demolition sets out Government guidance on the principles that apply to the demolition of listed buildings.

Managing Change in the Historic Environment: Interiors sets out Government guidance on the principles that apply to alterations to the interiors of listed buildings.

Managing Change in the Historic Environment: Setting sets out Government guidance on the principles that apply to developments affecting the setting of historic assets or places.

Managing Change in the Historic Environment: Extensions sets out Government guidance on the principles that apply to extending listed buildings.

Managing Change in the Historic Environment: Use and Adaptation of Listed Buildings sets out Government guidance on the principles that apply to enable the use, the reuse and adaptation of listed buildings.

### **Relevant policies of the Local Development Plan.**

LDP Policy Env 2 (Listed Buildings - Demolition) identifies the circumstances in which the demolition of listed buildings will be permitted.

LDP 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.

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

### **Relevant Non-Statutory Guidelines**

The Marchmont, Meadows and Bruntsfield Conservation Area Character Appraisal emphasises the well-proportioned Victorian tenemental perimeter blocks with Baronial detailing and the substantial area of the open parkland formed by the Meadows and Bruntsfield Links.

# Appendix 1

## **Application for Listed Building Consent 19/06072/LBC At St Joseph's Nursing Home, 41 - 45 Gilmore Place, Edinburgh Conversion to student residential accommodation with communal facilities at ground floor and in chapel; demolish existing east and west outbuildings and extensions and replace with new 3 storey accommodation around retained landscaped courtyard.**

### **Consultations**

---

#### **Historic Environment Scotland**

i The proposals affect the following:

Ref LB44937

Name 41-45 (ODD NOS) GILMORE PLACE, LITTLE SISTERS OF THE POOR /ST JOSEPH'S NURSING HOME, INCLUDING BOUNDARY WALLS, GATEPIERS AND GATES

Designation Type Listed Building

#### **Our Advice**

The application relates to the above category C listed T-plan block, largely late 19th century incorporating an 18th century house (central 7 bays), comprising the former Little Sisters of the Poor nursing home with chapel at the rear.

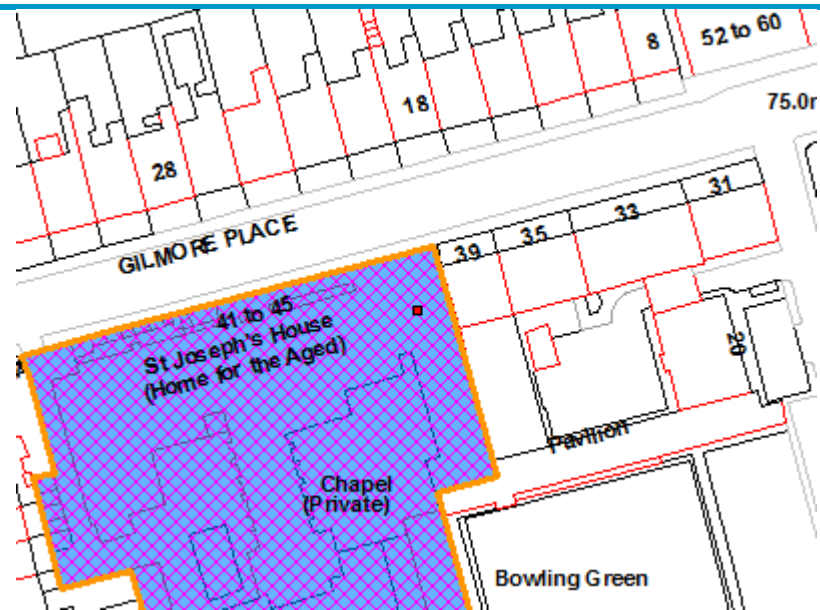
Given its C listing, our locus is specific to the proposed demolition of the east and west outbuildings at the rear of the site, which are within the curtilage of the listed building but not the main subject of the listing. These comprise two ranges of single and two storey ancillary buildings of a relatively plain red brick and slate roofed construction. The east outbuildings appear to date from the late 19th century (as indicated in the 1896 OS map), while the west outbuildings appear to date from the early to mid-20th century. While the buildings may have some historic merit as part of the former convent/nursing home, it is our view that they are of insufficient special interest in themselves. Although the applicant's case for demolition seems to be based on the repair and re-use of the buildings not being economically viable, we are satisfied that there is justification for their demolition on the grounds that these are curtilage buildings which individually are not of special architectural or historic interest.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance

with national and local policy on listed building consent, together with related policy guidance.

## Location Plan

---



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

## Development Management Sub-Committee

10.00am, Wednesday, 29 July 2020

### Proposed naming of a street to honour George Grubb

Executive/routine	Executive
Wards	Almond
Council Commitments	

#### 1. Recommendations

---

- 1.1 It is recommended that the Committee:
  - 1.1.1 considers whether there is justification to vary the street naming criteria set out in the Statutory Addressing Charter in relation to the request to use the name George Grubb at this time.

**Paul Lawrence**

Executive Director of Place

Contact: David Leslie, Chief Planning Officer

E-mail: [david.leslie@edinburgh.gov.uk](mailto:david.leslie@edinburgh.gov.uk)

## Proposed naming of a street to honour George Grubb

### 2. Executive Summary

---

- 2.1 Following consultation with the ward councillors regarding the street naming and numbering of the new properties at South Scotstoun, all four Councillors have supported a proposal that a street in this development be named to honour George Grubb, former Lord Provost of Edinburgh and councillor for Queensferry.
- 2.2 Whilst George Grubb's name is included in the bank of names for future use, it does not currently meet the criteria for use as set out in the Statutory Addressing Charter.
- 2.3 It is therefore recommended that consideration be given as to whether a variation to street naming criteria is justified in this case.

### 3. Background

---

- 3.1 An application has been received from Taylor Wimpey for street naming and numbering of 341 new properties at the South Scotstoun development in South Queensferry.
- 3.2 Section 97 of the Civic Government (Scotland) Act 1982 empowers the Council to allocate statutory addresses.
- 3.3 The City of Edinburgh Council [Statutory Addressing Charter](#) sets out the criteria for allocating street names for new streets based on people, places or events associated with the City of Edinburgh, as this helps to preserve history for future generations, reinforcing the sense of place.
- 3.4 Where an individual's name is proposed for use, the Statutory Addressing Charter sets out the criteria as follows:

'Where ... (an individual's)... name is proposed, it can be added to the appropriate street name bank until a suitable time for its use, i.e. after a minimum period of five years has passed following an individual's death. The permission of close family should be sought for the use of the name where possible. Should a name be proposed which does not meet this criteria, the proposal shall be placed before the next available Development Management Sub-Committee for determination.'

## **4. Main report**

---

- 4.1 Upon receipt of the application for street names and numbering for the South Scotstoun development in South Queensferry, the Street Naming team consulted on the proposal of naming ten new streets using the prefixes Maytree, Whitehorn, Redwing and Fieldfare, which relate to flora and fauna local to the area. Following a request from the Community Council, the suggestions were amended to Briggers, Fowler, Baker and Carswell to honour some of the men who were involved with the building of the Forth Rail Bridge. The consultation ran until 22 June 2020.
- 4.2 Following consultation with the ward councillors, Councillor Lang has proposed that one of the streets in this development be named to honour George Grubb, former Lord Provost of Edinburgh. George Grubb served for many years as a Councillor for Queensferry and lived close to this new housing development site at South Scotstoun. This proposal has been supported by the other three ward councillors. The proposal is endorsed by the Queensferry and District Community Council.
- 4.3 George Grubb's name has already been added to the bank of names for future use. Permission for the use of the name has been received from the family. However, the date that the name would become compliant with the criteria for street naming, as set out in the Statutory Addressing Charter, is 18 June 2023 as the Charter dictates that a person must be deceased for at least five years prior to their name being used.
- 4.4 There is a geographical connection between the location of this new housing development at South Scotstoun and the last place of residence of George Grubb. It is accepted that this locational connection may not be achievable at a future date by use of the name within the wider Queensferry area.
- 4.5 On the basis of the above, the matter is being referred to the Committee for a decision, in accordance with the Statutory Addressing Charter.

## **5. Next Steps**

---

- 5.1 If Committee agrees to use the proposed name, the Street Naming team will add it to the series of street names being formalised for this development and issue the statutory documentation.

## **6. Financial impact**

---

- 6.1 There are no financial implications for the Council resulting from this report.

## **7. Stakeholder/Community Impact**

---

- 7.1 None.

## **8. Background reading/external references**

---

- 8.1 [Statutory Addressing Charter 2019.](#)

## **9. Appendices**

---

- 9.1 Appendix 1 - Site layout.



Appendix 1 - Site layout



This page is intentionally left blank

## Development Management Sub Committee

**Wednesday 29 July 2020**

**Report for forthcoming application by**

**Aviva Life & Pensions UK Limited. for Proposal of  
Application Notice**

**20/02505/PAN**

**at Rosebery House, 9 Haymarket Terrace, Edinburgh  
Demolition of existing office building and erection of new  
office development (Class 4) with associated ancillary  
uses, public realm, landscaping and car parking.**

**Item number**

**Report number**

**Wards**

B11 - City Centre

### Summary

---

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming application for planning permission for the demolition of the existing Rosebery House and redevelopment forming a new office development (Class 4) with associated ancillary uses, public realm, landscaping and parking at Rosebery House, 9 Haymarket Terrace, Edinburgh. The proposal will be in the form of a major detailed planning application.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicants submitted a Proposal of Application Notice: 20/02505/PAN on 22 June 2020.

### Links

---

**Coalition pledges**

**Council outcomes**

## Single Outcome Agreement

## **Recommendations**

---

- 1.1 It is recommended that the Committee notes the key issues at this stage and advises of any other issues.

## **Background**

---

### **2.1 Site description**

The application site relates to an existing 6,000sqm office building located at 9 Haymarket Terrace in the Haymarket area of Edinburgh City Centre. The existing office is a 'Z' shaped office building with a small landscaped courtyard facing onto Haymarket Yards and servicing to the rear. To the north of the site is Haymarket Tram Stop with the tram line running to the north and continuing onto Haymarket Yards. To the east of the site is Haymarket Train Station. The surrounding area is predominantly commercial in nature.

### **2.2 Site History**

No relevant site history.

#### Adjoining Land

8 April 2020 - A Proposal of Application Notice was submitted for the demolition of the existing Elgin House and redevelopment forming a mixed-use scheme including Classes 4 (Business), 7 (Hotel) and student accommodation at 20 Haymarket Yards, Edinburgh (planning reference: 20/01591/PAN).

## **Main report**

---

### **3.1 Description Of The Proposal**

The application is a Proposal of Application Notice of an application for planning permission for the proposed demolition and redevelopment of the site for a new office development (Class 4) with associated ancillary uses, public realm, landscaping and parking.

### **3.2 Key Issues**

The key considerations against which the eventual application will be assessed include whether:

- a) The principle of the development is acceptable in this location

The site forms part of the City Centre area identified in the Edinburgh Local Development Plan (LDP) and as such policy Del 2 City Centre and the Edinburgh City Centre Development Principles must be considered. The policy supports proposals that enhance the character, attractiveness, vitality and accessibility of the city centre and contribute to its role as a strategic business and regional centre. The site will also be assessed against all other relevant policies within the LDP and the Edinburgh Design Guidance.

b) the proposal would preserve or enhance the setting of the nearby neighbouring buildings, conservation areas and World Heritage Site

The site is adjacent to the New Town Conservation Area and the Old and New Towns of Edinburgh World Heritage Site to the north and the A listed Haymarket Railway Station to the east. Development on the site has the potential to affect the character, appearance and setting of Edinburgh's built heritage and key views across the World Heritage Site. The proposal will be assessed in relation to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposal will also be considered against relevant policies in the Edinburgh Local Development Plan.

c) The design, scale and layout are acceptable within the character of the area; and does the proposal comply with the design policies of the Local Development Plan.

The proposal will be assessed against all relevant design policies within the LDP as well as guidance where applicable e.g. Edinburgh Design Guidance. A design and access statement will be required to support the application as well as a daylight and overshadowing assessment for both the proposal and neighbouring properties. Views into and out of the city centre and local views will be an important consideration in respect of the proposed height and massing.

d) Access arrangements are acceptable in terms of road safety and public transport accessibility

The proposal shall have regards to LDP transport policies and Edinburgh Street Design Guidance. Developer Contributions and Infrastructure Delivery Supplementary Guidance will apply to the proposal. The applicant will be required to provide transport information to demonstrate how the proposal prioritises active travel and is aligned with parking standards, including service arrangements and cycle parking provision.

e) Co-ordinated development

The proposal shall have regards to LDP policy Des 2 and seek to achieve a comprehensive redevelopment approach with adjoining land and integration with emerging active travel.

f) There are any other environmental factors that require consideration

The applicant will be required to submit sufficient information to demonstrate that the site can be developed without having an unacceptable detrimental impact on the environment. In order to support the application, the following documents are anticipated:

- Pre-Application Consultation report;
- Planning Statement;
- Design and Access Statement;
- Townscape and Visual Impact Assessment;

- Sustainability Form S1;
- Daylight and overshadowing information;
- Transport Information;
- Ecology information;
- Waste management information;
- Flooding risk and drainage information and
- Noise/air quality information.

### **3.3 Assessment**

This report highlights the main issues that are likely to arise in relation to the various key considerations. This list is not exhaustive and further matters may arise when the new application is received, and consultees and the public have the opportunity to comment.

## **Financial impact**

---

**4.1** The forthcoming application may be subject to a legal agreement.

## **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** This is a pre-application report. When a planning application is submitted it will be assessed in terms of equalities and human rights.

## **Sustainability impact**

---

**7.1** A sustainability statement will need to be submitted with the application.

## **Consultation and engagement**

---

### **8.1 Pre-Application Process**

Pre-application discussions with the planning authority are ongoing.

### **8.2 Publicity summary of representations and Community Council comments**

The applicant's Proposal of Application Notice noted that there will be an online consultation in accordance with government guidance for the period of the Covid-19 emergency. The online consultation event is to be held in August 2020. A public notice is to be placed in the Edinburgh Evening News with a date to be confirmed.

The applicant has confirmed that West End and Gorgie/Dalry Community Council and local councillors received a copy of the Proposal of Application Notice on 22 June 2020.

## Background reading/external references

---

- To view details of the proposal of Application Notice go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)

### **David R. Leslie**

Chief Planning Officer

PLACE

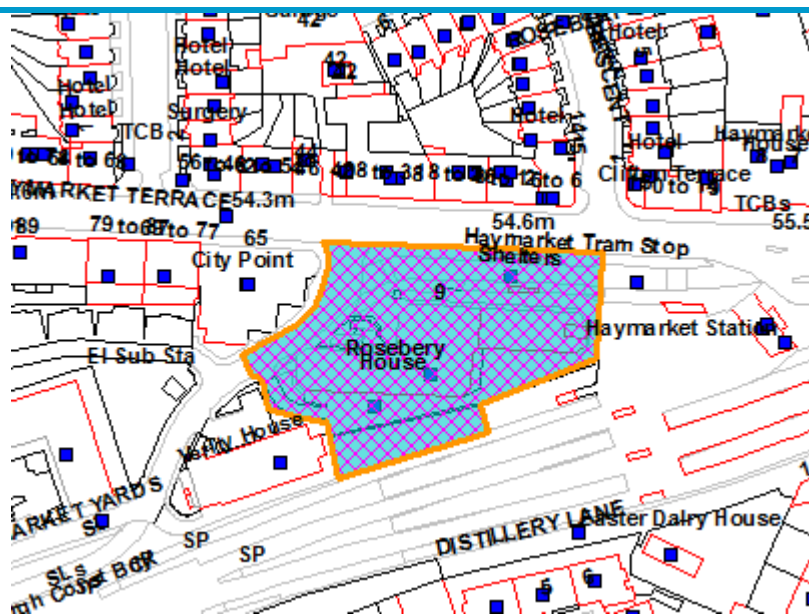
The City of Edinburgh Council

Contact: Declan Semple, Planning Officer

E-mail: [declan.semple@edinburgh.gov.uk](mailto:declan.semple@edinburgh.gov.uk)



## Location Plan



© Crown Copyright and database right 2015. All rights reserved. Ordnance Survey License number 100023420  
**END**

This page is intentionally left blank