

# Development Management Sub-Committee Report

**Wednesday 29 June 2022**

**Application for Planning Permission  
11 Stafford Street, New Town, Edinburgh**

**Proposal: Change of Use from Class 4 (Offices) to Class 7 (Hotel).**

**Item – Committee Decision  
Application Number – 22/00982/FUL  
Ward – B11 - City Centre**

## **Reasons for Referral to Committee**

The application has been referred to Development Management Sub-Committee because 72 objections and 49 letters of support have been received. Consequently under the Council's Scheme of Delegation, the application must be determined by the Development Sub-Committee.

### **Recommendation**

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

### **Summary**

The proposals would be acceptable with regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the Edinburgh Local Development Plan (LDP) and the Council's non-statutory guidance. The proposed use would retain city centre diversity and vitality and it will not have an unacceptable impact on neighbouring residential amenity. The proposal complies with the relevant SPP - sustainable development principles. No other material considerations outweigh this conclusion. It is recommended that planning permission is granted.

## **SECTION A – Application Background**

### **Site Description**

The site lies on the east side of Stafford Street at its junction with Queensferry Street Lane and is part of a terrace of classical townhouses built by Robert Brown, circa 1819-24. It is B listed and was listed on 14 December 1970 (LB ref 29828)

The property is a former office and there are two car parking spaces to the rear of the building.

The site lies within the New Town Conservation Area.

### **Description Of The Proposal**

The proposal is for a change of use from (Class 4) offices to (Class 7) hotel. The proposal also includes the removal of the existing dormer and its replacement with one pitched roof dormer and rooflight.

The original plan form of the building would be retained. By removing existing toilets an additional room would be formed at basement and second floor levels.

The proposal would form 15 bedrooms, each with en suite facilities.

### **Scheme 1**

Originally two pitched roof dormers were proposed on the front roof plane and the ensuites were full height.

### **Supporting Information**

Visualisations of the proposed interior and photographs of the exterior of the building.

### **Relevant Site History**

21/06698/FUL

11 Stafford Street

Edinburgh

EH3 7BR

Change of use from (Class 4) offices to (Class 7) hotel.

Refused

16 February 2022

21/06673/LBC

11 Stafford Street

Edinburgh

EH3 7BR

Conversion of (Class 4) offices to (Class 7) hotel, including replacement roof dormers.

Refused

16 February 2022

22/00977/LBC

11 Stafford Street

Edinburgh

EH3 7BR

Conversion of Class 4 Offices to Class 7 Hotel, including replacement roof dormers.

## Other Relevant Site History

No other relevant site history

## Pre-Application process

## Consultation Engagement

Environmental Protection

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

## Publicity and Public Engagement

**Date of Neighbour Notification:** 7 March 2022

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 11 March 2022;

**Site Notices Date(s):** 8 March 2022;

**Number of Contributors:** 121

## Section B - Assessment

### Determining Issues

Due to the proposals relating to a listed building(s) and being within a conservation area, this report will first consider the proposals in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- a) Is there a strong presumption against granting planning permission due to the proposals:
  - (i) harming the listed building or its setting? or
  - (ii) conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
  
- b) If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

If the proposal is in accordance with the development plan the determination should be to grant planning permission unless material considerations indicate otherwise?

If the proposal is not in accordance with the development plan the determination should be refuse planning permission unless material considerations indicate otherwise?

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations and
- any other identified material considerations.

## **Assessment**

To address these determining issues, it needs to be considered whether:

### **a) The proposals harm the listed building and its setting?**

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

- Managing Change Roofs
- Managing Change Interiors
- Managing Change Use and Adaptation of Listed Buildings

The property retains much of its original plan form and the proposals have been amended to reduce the loss of architectural or historic features. Each of the rooms includes ensuite facilities. The pod has been designed and positioned not to have a detrimental effect on the any features of architectural interest and to retain the room proportions.

Externally, it is proposed to remove the existing dormer window and replace this with one pitched roof dormer and rooflight. There are existing dormers within Stafford Street of varying style and proportions. The proposed dormer is of a scale and form that would protect the character of the historic building. The proposed roof lights are conservation style of an appropriate scale and proportion on a roof plane that has been altered.

### **Conclusion in relation to the listed building**

The proposals are acceptable with regards to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and relevant HES guidance.

### **b) The proposals harm the character or appearance of the conservation area?**

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

The proposed dormer is not of a size that would dominate the form of the roof and aligns with existing fenestration below.

### **Conclusion in relation to the conservation area**

The proposals are acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and relevant HES guidance.

**c) The proposals comply with the development plan?**

The development plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Environment policies Env 4 and Env 6
- LDP Strategy policies Del 2
- LDP Development Design policy Des 5
- LDP Transport policies Tra 2 and Tra 3
- LDP Employment policies Emp 9 and Emp 10

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering policies Env 4 and Env 6.

Impact on the setting of the listed buildings and conservation area

This has been assessed in sections a) and b) and the proposals comply with LDP Policies Env 4 and Env 6.

Principle of Development

The site lies within the City Centre and Urban Area.

LDP Policy Del 2 (City Centre) guides development in the city centre, stating that development will be permitted which, "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".

LDP Policy Emp 10 (Hotel Development) confirms hotel development will be permitted in locations within the urban area with good public transport access to the city centre.

The LDP confirms that tourism is the third biggest source of employment in Edinburgh and that maintaining and developing this key sector in the city's economy relies upon sufficient provision of high-quality tourist accommodation. The LDP also confirms that the city centre is the preferred location for most visitors but accessible locations with good public transport within the urban area also offer opportunities for new hotel development.

LDP Policy Emp 9 (Employment Sites and Premises) applies to site or premises in the urban area currently or last in use for employment purposes. The proposal will redevelop this employment site but remain in employment use. The new use will not prejudice or inhibit the activities of any nearby employment use. The site is less than one hectare so there is no requirement for the proposed floorspace to provide for a range of business users. The proposal accords with this policy.

The site is located within the City Centre and in a highly accessible area. The site is within easy walking distance to the City Centre core and the main tourist attractions and business locations. The principle of the proposed use is acceptable.

The proposal complies with LDP Policies Del 2 and Emp 9 and 10.

## Scale, Design and Materials

The design and form of the dormer and choice of materials and positioning is compatible with the character of the existing building.

The proposal complies with LDP policies Des 1 (Design Quality and Context) and Des 12 (Alterations and Extensions).

## Amenity

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

LDP Policy Des 5 (Development Design - Amenity) states that planning permission will be granted where it can be demonstrated that the amenity of neighbouring properties is not adversely affected in relation to noise, daylight, sunlight, privacy or immediate outlook.

The existing building is a former office but was built as a townhouse. Stafford Street is characterised by commercial properties on the ground floor and residential properties on the upper floors of the neighbouring buildings.

The applicant advises that the premises will not be licensed, will have no dining or entertainment facilities, and will have daytime management presence. Night-time contact will be by mobile telephone to the manager. It is envisaged that the main noise issues associated with the premises will be externally as guests enter and leave the premises. Due to the mixed nature of the surrounding premises and operations it is not expected that the application premises to impact upon residential amenity any more than the surrounding premises do at present.

The applicant has also confirmed that there are no cooking facilities proposed thus no ventilation is required to remove cooking odours.

There are existing windows overlooking the street at upper levels. There will be no additional overlooking.

The proposal complies with LDP policies Hou 7 and Des 5.

## **Traffic and Car parking**

There are no changes to the existing car parking arrangements. The site is well served by public transport. There are two car parking spaces to the rear of the building.

The two car parking spaces are proposed to be fitted with electric vehicle charging points which will be for the use of guests with disabilities only. As the application property is situated immediately adjacent to the City Centre Air Quality Management Area, car parking is not encouraged within this area. However, the spaces are for guests with disabilities and will be fitted with mitigation in the form of electric charging infrastructure to support the use of electric vehicles. An informative is recommended below relating to the electric vehicle charging infrastructure.

## **Conclusion in relation to the Development Plan**

The proposal complies with Edinburgh Local Development Plan.

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

The following material planning considerations have been identified:

#### SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The development proposes an appropriate and sustainable land use, which would support the local economy, protect the historic environment, not be detrimental to residential amenity.

The proposed development complies with SPP principles 3, 10 and 13, as it supports good design and the six qualities of successful places. It would protect the historic environment and protect the amenity of nearby residents.

The proposal complies with Paragraph 29 of SPP.

#### Emerging policy context

NPF 4 - Draft National Planning Framework 4 has been consulted on but has not yet been adopted. Therefore, little weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

#### Equalities and human rights

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

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

## Public representations

A summary of the representations is provided below:

### *material considerations*

As no active reception could be used as a hostel or Airbnb - assessed in section c  
May attract antisocial behaviour - assessed in section c  
No provision for cars / parking - assessed in section c  
Style of dormers does not comply with guidance - assessed in sections a and b  
Increased noise and disturbance - assessed in section c  
External alteration affects conservation area - assessed in section b  
Detrimental to listed building - assessed in section a  
Loss of historic interiors - assessed in section a  
Over development - assessed in section a

### *non-material issues*

Increase waste on the streets - not a planning matter  
Security may be used for drug dealing prostitution - not a planning matter  
May be used as base for crime gangs - not a planning matter

## **Conclusion in relation to identified material considerations**

The proposals are in compliance with the other material considerations that have been identified above.

### **e) Overall conclusion**

The proposals would be acceptable with regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the Edinburgh Local Development Plan and the Council's non-statutory guidance. The proposed use would retain city centre diversity and vitality not have an unacceptable impact on neighbouring residential amenity. The proposal complies with the relevant SPP - sustainable development principles. No other material considerations outweigh this conclusion. It is recommended that planning permission is granted.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;



## **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. The two parking spaces shall be served by at least a 13- amp 3Kw (external three pin-plug) with capacity in mains for 32 - amp 7Kw electric vehicle charging sockets. They shall be installed and operational in full prior to the development being occupied (as shown on drawing AL(0)02 Revision B and dated 27/04/22).

## **Background Reading/External References**

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

**Further Information - [Local Development Plan](#)**

**Date Registered: 1 March 2022**

## **Drawing Numbers/Scheme**

1-6,7B,8A,9A,10A

Scheme 2

**David Givan  
Chief Planning Officer  
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The City of Edinburgh Council**

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## Summary of Consultation Responses

NAME: Environmental Protection

COMMENT: Environmental Protection offers no objection to the application subject to the following condition:

1. The two parking spaces shall be served by at least a 13- amp 3Kw (external three pin-plug) with capacity in mains for 32 - amp 7Kw electric vehicle charging sockets. They shall be installed and operational in full prior to the development being occupied (as shown on drawing AL(0)02 Revision B and dated 27/04/22).  
DATE: 27 April 2022

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

## Location Plan



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