

Development Management Sub-Committee Report

Wednesday 24 May 2023

**Application for Planning Permission STL
2F - 3F 57 - 59 High Street, Edinburgh, EH1 1SR.**

Proposal: Alterations and change of use of second and third floors, currently office space, of 5 storey listed building, to form 3 No. short term let apartments.

**Item – Local Delegated Decision
Application Number – 22/05144/FULSTL
Ward – B11 - City Centre**

Reasons for Referral to Committee

Given the significance of the issue of short term lets to the public interest at present, the Chief Planning Officer considers this application should be decided by Committee.

Recommendation

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

Summary

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

The proposal is acceptable with regard to impact on residential amenity and the character of the area and does not result in loss of residential accommodation. It complies with LDP policy Hou 7 and NPF 4 policy 30(e) parts(i) and (ii).

SECTION A – Application Background

Site Description

The application site is a second and third floor property within a three storey tenemental mid-terrace building at 57-59 High Street. The property is office space which is currently used for storage. It has its own access off the High Street. A set of steps leads up to the second and third floor levels of the property. The immediate surrounding area has a mix of uses.

This property is a B Listed Building (LB29035, dated 14.12.1970).

The site lies within the Old Town Conservation Area and the Old and New Towns of Edinburgh World Heritage Site.

Description of the Proposal

The application is for alterations and change of use to form 3 no. short term let apartments. The proposal is to create a one-bed flat and 2 no. studio flats by removing original elements and installing new kitchens and bathrooms and associated fixtures, fittings and doors. Existing windows will be repaired and refurbished and some replaced. The property has listed building consent to undertake these external and internal alterations (22/05145/LBC).

Supporting Information

Planning and Heritage Statement: Upper Floors.
National Planning Framework 4 Planning Statement.

Relevant Site History

22/05145/LBC
2F - 3F 57 - 59 High Street
Edinburgh
EH1 1SR

Alterations and change of use of second and third floors, currently office space, of 5 storey listed building, to form 3 No. short term let apartments. Repair and refurbishment of existing windows, install new double glazing and internal window barriers.

Granted

7 December 2022

Other Relevant Site History

No other relevant planning site history.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Archaeology

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

Publicity and Public Engagement

Date of Neighbour Notification: 14 November 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 18 November 2022

Site Notices Date(s): 15 November 2022

Number of Contributors: 2

Section B - Assessment

Determining Issues

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

- a) Is there a strong presumption against granting planning permission due to the proposals:
 - (i) harming the listed building or its setting? or
 - (ii) conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?

- b) If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling material considerations for not approving them?

If the proposals do not comply with the development plan, are there any compelling material considerations for approving them?

In the assessment of material considerations this report will consider:

- equalities and human rights;
- public representations and
- any other identified material considerations.

Assessment

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

a) Compliance with Planning Legislation on Listed Buildings and Conservation Areas

Setting of Listed Buildings

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 document 'Managing Change in the Historic Environment - Setting' states.

"Setting' is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced."

The document states that where development is proposed it is important to:

- *" Identify the historic assets that might be affected;*
- *define the setting of each historic asset; and*
- *assess the impact of any new development on this"*.

These proposals will not have an adverse impact on or cause harm to the listed building. The setting of the listed building and the setting of neighbouring listed buildings will be unaffected by the proposal.

Conclusion in relation to the listed building

The proposal harms neither the listed building or its setting. It is therefore acceptable with regard to Sections 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The Old Town Conservation Area Character Appraisal emphasises the survival of the original medieval street pattern; the wealth of important landmark buildings; the survival of an outstanding collection of archaeological remains, medieval buildings, and 17th-century town houses; the consistent and harmonious height and mass of buildings; the importance of stone as a construction material for both buildings and the public realm; the vitality and variety of different uses; and the continuing presence of a residential community.

The proposed external changes at the property are detailed above. The impact on the appearance of the conservation area is acceptable. 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 mixed use. The proposal will not have a negative impact on the character of the conservation area.

Conclusion in relation to the conservation area

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

c) The proposals comply with the development plan?

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4. The relevant policies to be considered are:

- NPF4 Sustainable Places Policy 1.
- NPF4 Historic Assets and Places Policy 7.
- NPF4 Productive Places Tourism Policy 30.
- LDP Housing Policy Hou 7.
- LDP Transport Policies Tra 2 and Tra 3.

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering historic assets.

The non-statutory 'Guidance for Businesses' (2023) is a material consideration that is relevant when considering change of use applications.

Listed Building, Conservation Area and World Heritage Site

The proposed external and internal works to the property are acceptable and there will not be a significant impact on historic assets and places. The proposal complies with NPF 4 Policy 7.

Proposed Use

With regards to NPF 4 Policy 1, the proposals do not involve operational development. The proposals will have a negligible impact on the global climate and nature crisis.

NPF 4 Policy 30 seeks to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland. Criterion 30 (b) and (e) specifically relate to STL proposals.

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

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

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

Amenity

The applicant has provided a planning statement which lists the type of uses in the immediate surroundings of the application property. These are :- shops, restaurants bars, museums, serviced apartments, hotel use as well as residential. The statement suggests that the proposed short term let use is compatible with the mixed use profile of the area and as such there will be no unacceptable impact on local amenity.

The application property has its own access via steps from the High Street, and there is no garden ground to the front and rear. The character of the High Street is a busy thoroughfare, with considerable pedestrian footfall and vehicular traffic passing along the street. The application site is directly above a restaurant and in close proximity to a range of leisure and night-time uses, which contribute to high ambient noise levels in the street during the daytime and night-time.

In these circumstances, despite the presence of some residential properties in this section of the High Street, the impact of the STL use is acceptable given the background noise levels that existing residents would be used to.

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

Loss of residential accommodation

NPF 4 policy 30 (e) part (ii) requires that where there is a loss of residential accommodation, this will only be supported where the loss is outweighed by demonstrable local economic benefits.

The property is currently an office and being used temporarily for storage. Therefore NPF 4 policy 30 (e) part (ii) is not applicable to this application.

Car Parking

There is no off-street car parking available within the site. As the site is close to the city centre car use is discouraged. The site is accessible by public transport. There are no cycle parking standards for STLs. Bikes could be parked within the property if required. The proposals comply with policies Tra 2 and Tra 3.

Conclusion in relation to the Development Plan

The proposal is acceptable with regard to impact on residential amenity and the character of the area and does not result in loss of residential accommodation. It complies with LDP policy Hou 7 and NPF 4 policy 30(e).

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

The following material planning considerations have been identified:

Emerging policy context

City Plan 2030 represents the settled will of the Council, and it has been submitted to Scottish Ministers for examination. As such, limited weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

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

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

Public representations

A summary of the representations is provided below:

material considerations -objections

- Few benefits to the local economy. Addressed in c) above.
- Negative impact on World Heritage Site. Addressed in c) above.
- Contradicts LDP Policy Hou 7. Addressed in c) above.

material considerations - neutral

- Commenter accepts there must be some STLs to cater for visitors. Addressed in c) above.

non-material considerations

- Housing should be for living in and not for investment. This is not a material planning consideration.
- Shortage of housing for purchase or rent. There is no loss of housing with this application.

Conclusion in relation to identified material considerations

The proposals do not raise any issues in relation to other material considerations identified.

Overall conclusion

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

The proposal is acceptable with regard to impact on residential amenity and the character of the area and does not result in loss of residential accommodation. It complies with NPF 4 policy 30(e).

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. No demolition/development shall take place on the site until the applicant has secured and implemented a programme of archaeological and conservation work (Historic building recording, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to respect any archaeological factors on site.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 10 November 2022

Drawing Numbers/Scheme

01, 02, 03, 04, 05

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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Appendix 1

Summary of Consultation Responses

NAME: Archaeology

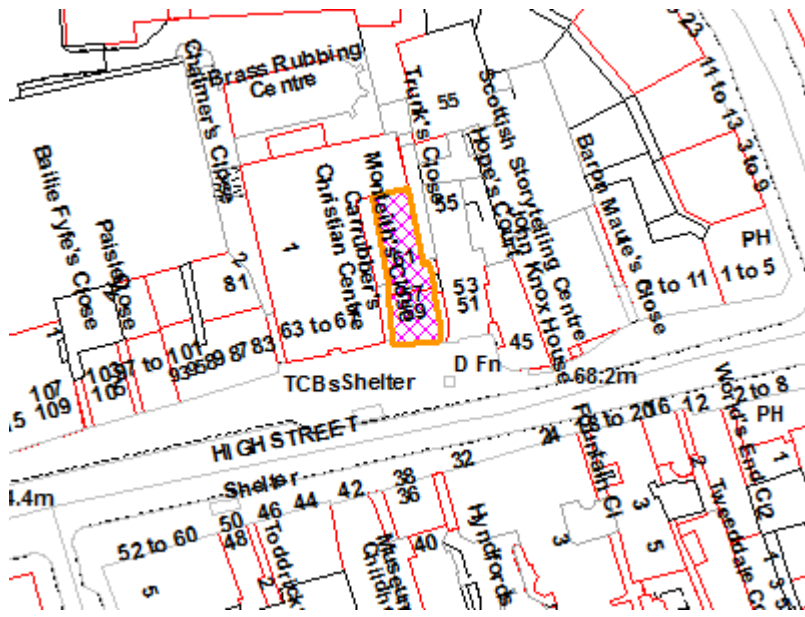
COMMENT: To secure this programme of archaeological works is undertaken it is recommended that the following is condition is attached based upon the following CEC condition:

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

DATE: 23 November 2022

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

Location Plan



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