

# Development Management Sub-Committee Report

**Wednesday 9 August 2023**

**Application for Planning Permission STL  
6 Circus Lane, Edinburgh, EH3 6SU**

**Proposal: Change of use to short term let for the month of August.**

**Item – Local Delegated Decision  
Application Number – 23/02339/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 change of use of this property to a short-term let (STL) will have an unacceptable impact on neighbouring amenity and does not comply with LDP policy Hou 7 and NPF 4 policy 30 (e) (i). However the application is for temporary permission for the month of August only, therefore it is considered acceptable in this instance. It does not result in loss of residential accommodation therefore NPF 4 policy 30 (ii) is not applicable.

## **SECTION A – Application Background**

### **Site Description**

The application site is a two-storey mews building at 6 Circus Lane, Stockbridge. The property extends over two floors and a basement. There is a garage, kitchen and living area on the ground floor. On the first floor there are three bedrooms each with an en-suite bathroom. The basement accommodates a cinema and games room.

The property has its own main door entrance and there is a private patio area with outdoor seating to the rear.

The surrounding area is primarily residential. At the west end of Circus Lane there are shops and daytime cafes. The property is on the edge of the New Town which is close to, but not in, the city centre. Public transport can be reached within a 5-minute walk.

The application site is part of a group of B listed buildings (ref: LB 45477: date of listing 24.3.98).

The application site is in the Old and New Towns of Edinburgh World Heritage Site and the New Town Conservation Area.

### **Description Of The Proposal**

The application seeks temporary permission to change the residential use to a short term let apartment for the month of August. No internal or external physical changes are proposed.

### **Relevant Site History**

16/04770/FUL

6 Circus Lane

Edinburgh

EH3 6SU

The alteration of a B-listed two-storey mews house.

Granted: 30 January 2017

16/04771/LBC

6 Circus Lane

Edinburgh

EH3 6SU

Alteration of a B-listed two-storey mews house. The exterior will be improved by repair to the existing fabric and the replacement of non-original windows with those more sympathetic to the streetscape (as amended).

The interior is currently in a poor state of repair with few original features. This will be completely renovated with an improved internal layout.

Granted: 30 January 2017

### **Other Relevant Site History**

No other relevant planning site history.

### **Pre-Application process**

There is no pre-application process history.

## Consultation Engagement

No consultations undertaken.

## Publicity and Public Engagement

**Date of Neighbour Notification:** 9 June 2023

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

**Press Publication Date(s):** 16 June 2023

**Site Notices Date(s):** 13 June 2023

**Number of Contributors:** 0

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

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

- Managing Change in the Historic Environment: Interim Guidance on the principles of listed building consent.
- Managing Change in the Historic Environment: Setting.

Managing Change in the Historic Environment: Interim Guidance on the principles of listed building consent sets out the principles for assessing the impact of a development on a listed building.

Managing Change in the Historic Environment: Setting sets out the principles that apply to developments affecting the setting of historic assets or places including listed buildings and conservation areas. It includes factors to be considered in assessing the impact of a change on the setting.

There are no external or internal alterations proposed. As such, the proposal 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, its setting or the conservation area. It is therefore acceptable with regard to Sections 59 and 64 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 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.

There are no external changes proposed. The change of use from a residential premises to a short term let will not have any material impact on the character of the conservation area. The change of use would preserve the appearance of the conservation area.

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

The proposal does not harm the conservation area. Therefore, it is 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 Buildings, Conservation Area and Edinburgh World Heritage Site

There are no external or internal works proposed and as such 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 (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 (2023) 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 property is a two storey mews building located on a quiet residential street at the edge of the Georgian New Town. The property is part of a terrace of mews buildings and has its own main door entrance on to the street.

As the area is predominantly residential, there is a relatively low ambient noise level and the introduction of an STL use in this location will have a negative impact on the amenity of the surrounding area for the period during which a temporary change of use is allowed. However, the application is for temporary permission for the month of August only. The Edinburgh International Festival operates throughout the month of August and there is a recognised need for accommodation throughout the city during this month as the numbers of visitors to the city increases significantly. The application has its own main door access, therefore any negative impact on neighbouring amenity will be restricted to the street and the rear patio and garden. Residents may already be used to a significant rise in ambient noise levels during the month of August as Circus Lane is a popular location near the city centre for photography of the street's architecture.

The proposal does not comply with NPF 4 policy 30(e) part (i) and LDP policy Hou 7. However, it is considered acceptable as the application is for temporary permission and the negative impact on amenity will only exist for the month of August.

### *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 application is for the temporary use as short term let throughout the month of August. The lawful use of the property will remain as residential so no residential accommodation will be lost. Therefore NPF 4 policy 30 (e) part (ii) is not applicable to this application.

### Car Parking

There is an integral garage adjacent to the main entrance door. This is acceptable and there is no requirement for cycle parking for short term lets. The proposal complies with policies Tra 2 and Tra 3.

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

The change of use of this property to an STL will have an unacceptable impact on neighbouring amenity and does not comply with LDP policy Hou 7 and NPF 4 policy 30 (e) (i). However, the application is for temporary permission for the month of August only and is therefore acceptable in this instance. It does not result in loss of residential accommodation therefore NPF 4 policy 30 (ii) is not applicable.

### **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

No representations have been received.

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

Identified material considerations have been assessed above and do not raise issues which outweigh the conclusion in relation to the development plan.

### **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 change of use of this property to an STL will have an unacceptable impact on neighbouring amenity and does not comply with LDP policy Hou 7 and NPF 4 policy 30 (e) (i). However the application is for temporary permission for the month of August only, therefore it is considered acceptable in this instance. It does not result in loss of residential accommodation therefore NPF 4 policy 30 (ii) is not applicable.

## Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

### Conditions

1. Planning permission hereby granted is limited to a temporary change of use to short term let for the period 1<sup>st</sup> August 2023 – 31<sup>st</sup> August 2023. Upon the end of this period, the premises shall revert to its authorised use as a residential dwelling house.

### Reasons

1. In order to protect residential amenity and prevent the loss of residential accommodation.

### Informatives:

### Background Reading/External References

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

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

**Date Registered: 9 June 2023**

### Drawing Numbers/Scheme

01, 2A

Scheme 1

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

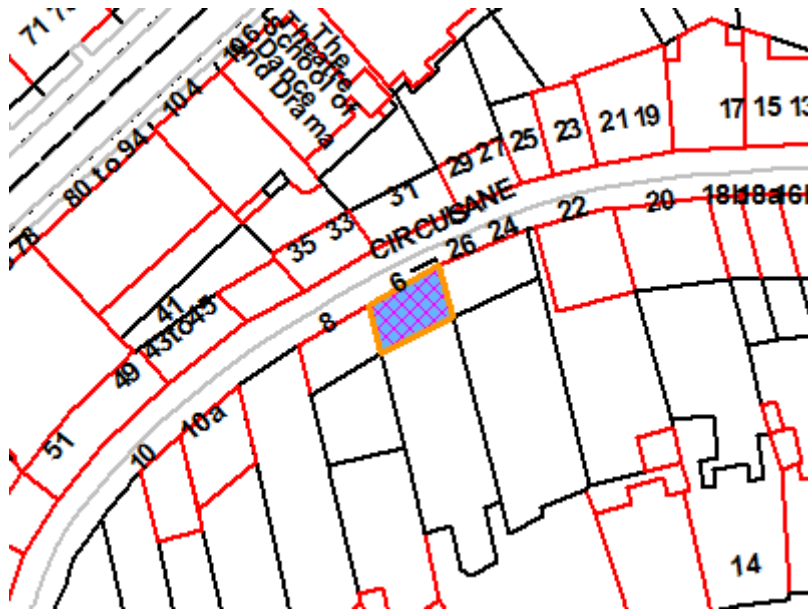
Contact: Lesley Porteous, Planning Officer  
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## Summary of Consultation Responses

No consultations undertaken.

### Location Plan



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