

Development Management Sub-Committee Report

Wednesday 8 November 2023

**Application for Planning Permission
4 Crichton's Close, Edinburgh, EH8 8DT**

Proposal: Change of use - vacant office accommodation to 18 No. serviced apartments (Sui Generis). Alterations include internal partitions, new fire escape stair. New double glazing throughout, new protective barriers to allow for safe window cleaning /safe access onto balconies, minor external alterations to entrance to improve existing lobby roof.

**Item – Committee Decision
Application Number – 23/02908/FUL
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. Serviced apartments are considered to be short term lets.

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 setting of neighbouring listed buildings and it will preserve or enhance the character or appearance of the conservation area.

The proposal complies with the Development Plan and is acceptable in principle. The proposal will preserve the special architectural and historic interest of the setting of listed buildings. The character and appearance of the conservation area will be preserved, and the Outstanding Universal Value of the World Heritage Site will not be compromised. A change of use to serviced apartments will not have an unreasonable impact on residential amenity. Furthermore, it is recognised that there is an economic benefit in the serviced apartment use, and, in this instance, the use is compatible with the surrounding area.

SECTION A – Application Background

Site Description

The application site is an empty office building at the northern part of Crichton's Close, just off the Royal Mile. It is a mainly red brick building over four floors plus a basement. Originally a brewhouse in the former Holyrood Brewery site, it has some modern additions and interventions such as new windows and timber cladding.

Opposite is the Scottish Poetry Library and close by are the Scottish Parliament, Dynamic Earth and Holyrood Palace and Park. Access can also be from off Holyrood Road via Gentle's Entry and Cooper's Close for both pedestrians and vehicles.

There are a number of listed buildings nearby including 124 Canongate (Category B; ref: LB28443; date of listing: 14/12/1970) which was also part of the Holyrood Brewery, and Burgh Cross (Category B; ref LB27796; date of listing: 14/12/1970). The application site building is not listed.

A mix of uses is found in the surrounding area including shops, bars, restaurants, cafes, place of worship, residential and student accommodation. The Royal Mile is a busy thoroughfare and key tourist route. The application site is on a bus route and within walking distance of Waverley Station.

The site is in the Old Town Conservation Area and World Heritage Site.

Description of the Proposal

The proposal is for the change of use from offices (class 4) to serviced apartments (sui generis) and external and internal alterations to accommodate the change of use. Eighteen serviced apartments are proposed in the building.

External doors and windows will be replaced with aluminium framed double glazing and protective safety barriers for windows will be installed in the form of horizontal metal rods. A new fire escape door and a window above it will be installed. Rooflights will be replaced in existing openings and new rooflights will be installed. The existing balconies on the south elevation will remain.

Access into the building will use the existing entrance on Crichton's Close which will be level access. A new metal handrail and balustrade in dark grey finish are proposed for the existing stair on the east elevation. A new timber vertical slatted curved privacy screen is proposed to be located just outside the entrance.

A bin store will be created in the pend which will also house the air source heat pumps (ASHPs). Timber cladding will be used to enclose the store with access through timber double doors.

Internally, partitions will create the rooms and each room will have a kitchen and en-suite. A lift will be fitted in the existing shaft, a fire escape staircase will be installed, and laundry facilities are proposed on each level.

Revised Scheme

Cycle parking and ASHP details added.

Supporting Information

- Design and Access Statement
- Supporting Statement
- Air Conditioning Units Specification
- ASHP Specification

These are available to view on the Planning and Building Standards Online Service.

Relevant Site History

No relevant site history.

Other Relevant Site History

None.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Roads Authority (Transport Planning)

Environmental Protection

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

Publicity and Public Engagement

Date of Neighbour Notification: 18 July 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 21 July 2023

Site Notices Date(s): 18 July 2023

Number of Contributors: 4

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 adjacent listed buildings and setting?

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

- Managing Change in the Historic Environment: Setting

The impact on the setting of adjacent listed buildings requires to be assessed.

The proposed external changes to the unlisted building will be a mix of traditional and modern styles and materials. The immediate vicinity of the building includes both traditional historic buildings and modern buildings with many of the historic buildings also containing modern elements. In this context, the proposals will not detract from nor harm the setting of neighbouring listed buildings.

Therefore, the setting of adjacent and neighbouring listed buildings will not be changed or compromised by the proposals.

Conclusion in relation to the listed building

The proposal is acceptable in terms of Section 59 (1) of the Planning (Listed Building 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."

- Managing Change in the Historic Environment: Conservation Areas is relevant in the determination of this application.

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.

There will be no change to the medieval layout of the streets or to the overall relationship of the building to the traditional street pattern. The proposed use is one which is found in the conservation area, and which will contribute to the mix of uses in the conservation area.

The proposed external changes are of a minor nature in the overall design and appearance of the building. Replacement windows are of a style found throughout the conservation area and will not detract from its character. Materials proposed are appropriate for use in a conservation area and reflect the mix of traditional and modern materials characteristic of the street and surrounding area.

The character and appearance of the conservation area will be preserved.

Conclusion in relation to the conservation area

The proposal will preserve the character and appearance of the conservation area and comply with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

a) 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 Tackling the climate and nature crises Policies 1 and 2.
- NPF4 Historic Assets and Places Policy 7.
- NPF4 Zero Waste Policy 12.
- NPF4 Sustainable Transport Policy 13.

- NPF4 Design, Quality and Place Policy 14.
- NPF4 Productive Places Tourism Policy 30.
- LDP Housing Policy Hou 7.
- LDP Design Policies Des 5 and Des 12.
- LDP Transport Policies Tra 2 Tra 3 and Tra 4.
- LDP Employment and Economic Development Policy Emp 9.
- LDP Delivering the Strategy Policy Del 2 (City Centre Policy).

The non-statutory Listed Building and Conservation Area Guidance is a material consideration when considering NPF 4 Policy 7. The non-statutory Guidance for Business (updated April 2023) is a material consideration that is relevant when considering LDP Policy Hou 7 and the Edinburgh Design Guidance is a material consideration when considering LDP design and transport policies.

Historic Assets and Places

Listed Buildings and Conservation Area

It has been concluded in sections a) and b) that the proposal will not harm the setting of neighbouring listed buildings and that the character and appearance of the conservation area will be preserved.

World Heritage Site

The Outstanding Universal Value (OUV) of the World Heritage Site (WHS) will not be harmed and the proposed external changes will have no detrimental impact on the OUV. The re-use of the building will ensure this part of the World Heritage Site is maintained as a thriving part of the city without harm to the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage site.

The proposal complies with NPF 4 Policy 7.

Proposed Use (Principle of Development)

NPF4 Policy 1 (Tackling the climate and nature crisis) gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. The proposed development contributes to the spatial principles of 'Compact Urban Growth' and 'Local Living' through the use of an existing developed site. It is close to local facilities and public transport routes as well as being within walking and cycling distance of local facilities and the city centre. The site is sustainably located. ASHPs are proposed to be retrofitted into the building and will contribute to minimising emissions from the development which is compatible with NPF4 policy 2 (re: minimising emissions). Providing recycling bins within the bin store will contribute to NPF4 policy 12 (zero waste).

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) of NPF4 specifically relates to STL proposals. The proposed use as serviced apartments is considered to provide the same type of tourist accommodation as STLs.

Policy Del 2 (City Centre) aims to retain and enhance the City Centre's character, attractiveness, vitality, and accessibility.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas), seeks to protect residential amenity. LDP Policy Des 5 (Development Design - Amenity) states that, planning permission will be granted for development where it is demonstrated that: a) the amenity of neighbouring developments is not adversely affected and that future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy, or immediate outlook.

The non-statutory Guidance for Businesses (update April 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.

As serviced apartments can also be classified as short term lets, it is appropriate to assess the proposed use in terms of the policies NPF4 Policy 30, LDP Policies Hou 7 and Del 2. Although the change of use is from one commercial/business use to another, i.e., from (vacant) offices to serviced accommodation, the Guidance for Business is useful as it sets out the considerations for assessing the impact on amenity of the proposed use.

The proposal will provide accommodation for tourists and individuals visiting the city, within an area of already mixed use. The proposal will provide new tourist accommodation, be compatible with surrounding uses and be able to make use of sustainable transport opportunities. The proposal will not prejudice or inhibit the activities of any nearby employment use and will contribute to some degree to the vitality of the city centre. The proposal complies with the objectives of NPF4 Policy 30 and LDP Policy Del 2.

There is no LDP policy applicable to the loss of office use in the City Centre. However, LDP policy Emp 9 (Employment Sites and Premises) is applicable and redeveloping the site for another business use complies with LDP Policy Emp 9. The office use could be considered as falling under use paragraph 2 of use class 1A (financial, professional, or other services) where the service is provided to visiting members of the public. However, its former office use falls under class 4 (business) as the office use occupied the entire building where the service was not primarily provided for visiting members of the public. As such, it is considered in line with LDP Emp 9.

Neighbouring Amenity

Policy Hou 7 aims to preclude the introduction or intensification of non-residential uses in predominantly residential areas and to prevent further deterioration in living conditions in more mixed-use areas which nevertheless have important residential functions.

Crichton's Close is a quieter street in comparison to the busier streets of the Royal Mile and Holyrood Road close by. There is a mix of uses in the surrounding area, such as shops, bars/restaurants/cafes, offices, hotels and residential. The area is also characterised by tourist activities, such as hotels and short term let properties. There is an element of ambient background noise and activity in the street and area due to the mix of uses nearby and busy vehicular and pedestrian routes. It is not expected that the proposed change of use would increase the ambient background noise.

The street will experience a higher level of activity and footfall as a result of the proposed development; however, it is in a city centre street in the city centre core where such activity already takes place. It is acknowledged that transient visitors may have less regard for neighbours' amenity than local residents. Anti-social behaviour, such as noise, can be dealt with through the responsibilities of other legislation and services, such as Police Scotland or Environmental Protection.

The proposal is in a densely developed area and will not result in an unreasonable impact on privacy or overlooking of neighbouring properties. Most of the overlooking is onto public streets. There is current overlooking of neighbouring properties to the south from windows and balconies in the existing building. These properties face onto a path and steps accessible by the public which connects Cooper's Close with Gentle's Entry. Private garden areas, mainly all hard standing, are marked by low boundary treatments and are next to the entrances to the communal stairs. Due to the closeness of neighbouring buildings and spatial pattern, there is much existing overlooking. The proposed change of use will result in a different use pattern compared to the existing (vacant) and previous (offices) situations. The use of the building as a commercial property is established and the building is in a densely developed area. In these circumstances, the proposal will not have an unreasonable impact on privacy or overlooking.

Environmental Protection has advised that it has no objection to the application and that it is not anticipated that the ASHPs would impact amenity of existing residential properties in the form of plant noise. An informative is recommended, should planning permission be granted, relating to NR25 in terms of plant noise.

The proposal will not result in an unreasonable loss to neighbouring residential amenity. The proposal complies with LDP Policies Hou 7, Des 5 and Des 12. There will not be a loss of residential use as the building's previous use was as offices. The proposal will be compatible with the nature of the surrounding area and will not hinder the provision of homes and services for local people. As such, the proposal will comply with NPF4 policy 30 (part b).

The principle of the development and proposed change of use are acceptable.

Design, Quality and Place,

NPF4 Policy 14 supports development proposals that are designed to improve the quality of an area and are consistent with the six qualities of successful places. The proposal will support an attractive built environment, retain the established distinctive local architectural design and result in the investment in the long-term value of the building. It will also be sustainable and connected.

The proposal will retain the overall existing design of the building and the proposed minor alterations will not detract from the overall character or appearance of the building. Changes to the windows and doors will sit comfortably in the building, within the street and surrounding area. Materials proposed will reflect those used in the surrounding area.

In terms of the impact on amenity (Des 12-part c), this has been covered above (under heading Proposed Use/Principle of Development).

The proposal complies with NPF4 Policy 14 and LDP Policy Des 12 (Alterations and Extensions).

Transport and Parking

NPF4 Policy 13 aims to encourage sustainable travel and LDP Policies Tra 2 - Tra 4 sets out the requirements for private car and cycle parking. The Edinburgh Design Guidance (EDG) sets out the maximum number of car parking spaces for new development and sets out the cycle and motorbike parking requirements.

The Roads Authority (Transport) has advised that it has no objection to the application subject to conditions or informatives as appropriate relating to the provision of two secure cycle parking spaces.

Zero parking is acceptable, and the required cycle parking provision is now included (in revised drawing). The use of sustainable transport modes such as walking, cycling, and using public transport will be encouraged due to the location of the building,

The proposal complies with NPF4 Policy 13 and LDP policies Tra 2, Tra 3 and Tra 4.

Conclusion in relation to the Development Plan

Overall, the proposal complies with the Development Plan and is acceptable in principle. The proposal will preserve the special architectural and historic interest of the settings on the neighbouring listed buildings. The character and appearance of the conservation area will be preserved, and the Outstanding Universal Value of the World Heritage Site will not be compromised. A change of use to serviced apartments will not have an unreasonable impact on residential amenity. Furthermore, it is recognised that there is an economic benefit in the serviced apartment use, and, in this instance, the use is compatible with the surrounding area.

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

The following material planning considerations have been identified:

Emerging policy context

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time 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. Level access and a lift will be provided.

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

- amount of short term lets in area. Addressed in section d).
- impact on community. Addressed in sections c) and d).
- impact on residential amenity. Addressed in section c).
- economic impact/tourism money/spend. Addressed in sections c) and d).
- increased traffic. Addressed in section c)
- materials. Addressed in sections a), b) and c).
- window design. Addressed in sections b) and c).
- lack of any over-arching vision, strategy, or action plan. Addressed in section d).

non-material considerations

- profits
- litter
- loss of local facilities, e.g., grocer shops; post office
- housing suggested as use of building
- no concierge- residents act as informal/unpaid staff
- numbers of people staying in room
- parking; parking on double yellow lines

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 setting of neighbouring listed buildings and it will preserve or enhance the character or appearance of the conservation area.

The proposal complies with the Development Plan and is acceptable in principle. The proposal will preserve the special architectural and historic interest of the setting of listed buildings. The character and appearance of the conservation area will be preserved, and the Outstanding Universal Value of the World Heritage Site will not be compromised. A change of use to serviced apartments will not have an unreasonable impact on residential amenity. Furthermore, it is recognised that there is an economic benefit in the serviced apartment use, and, in this instance, the use is compatible with the surrounding area.

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.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.

Informatives

It should be noted that:

1. 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.
2. Noise from all plant (including air source heat pump system) should comply with NR25 within the nearest residential property (with window partially open for ventilation purposes).
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.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 5 July 2023

Drawing Numbers/Scheme

01-11,12A,13-21

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Jackie McInnes, Planning officer
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Appendix 1

Summary of Consultation Responses

NAME: Roads Authority (Transport Planning)

COMMENT: No objections subject to provision of two secure cycle parking spaces.

DATE: 18 July 2023

NAME: Environmental Protection

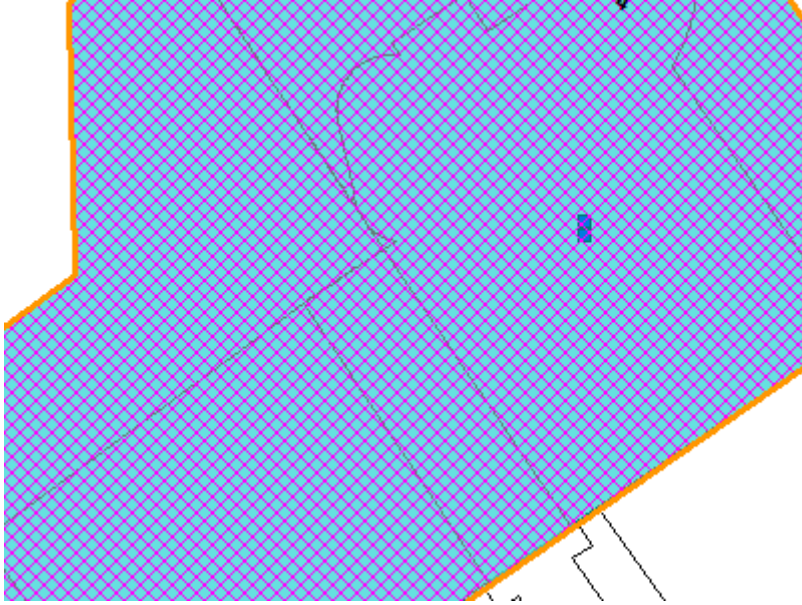
COMMENT: No objection.

Informative recommended: Noise from all plant (including air source heat pump system) should comply with NR25 within the nearest residential property (with window partially open for ventilation purposes).

DATE: 4 October 2023

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

Location Plan



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