

Development Management Sub-Committee Report

Wednesday 17 April 2024

**Application for Planning Permission STL
4 Hope Street, Edinburgh, EH2 4DB**

Proposal: Alterations and change of use from offices to 6 No. short term let flats.

**Item – Committee Decision
Application Number – 23/06659/FULSTL
Ward – B11 - City Centre**

Reasons for Referral to Committee

Given the level of public interest in relation to the issue of short term lets, it is considered appropriate that this application be determined 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 the property to a Short Term Let will not have an unacceptable impact on neighbouring amenity, nor will it result in the loss of residential accommodation, complying with LDP policy Hou 7 and NPF4 Policy 30(e). The application is acceptable with regard to heritage and transport matters. The application is in accordance with the development plan. It is therefore recommended that the proposal be granted. The application is acceptable with regard to heritage and transport matters subject to the necessary tram contribution being made. The application is in accordance with the development plan and there are no material considerations which outweigh this conclusion. It is therefore recommended that the application is granted subject to a suitable legal agreement being reached regarding the tram contribution.

SECTION A – Application Background

Site Description

The application site is the first, second and third floors of a 3-storey basement and attic classical tenement (including the ground floor entry and staircase) located on the western side of Hope Street. The ground and basement floors of the tenement are in use as a public bar, whilst the first, second and third floors are in use as offices. The building is dated circa 1970; with alterations and additions by Stephen & Maxwell, 1987.

Hope Street and its surrounding area comprises a mix of commercial and residential uses, featuring a high degree of activity during the day and night. Public Transport links are highly accessible from the site.

The application site forms part of a category B Listed Building, 2 and 4 Hope Street and 46 Queensferry Street, LB29092, 03/03/1966.

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

Description of the Proposal

The application proposes a change of use from offices of the property's three upper floors to form six two-bedroom properties in short term let use, as well as internal alterations to facilitate the new properties, the formation of new window openings and replacement slimline double glazing.

Scheme 4 omits the flagpole from the proposals, amends the window configuration on the west elevation and introduces one cycle parking space to the ground floor of the building.

Supporting Information

Access and Design Statement
Planning Statement

Relevant Site History

23/06671/LBC
4 Hope Street
Edinburgh
EH2 4DB

Alterations and change the use from offices to 6 No. short term let flats.
Granted
26 January 2024

Other Relevant Site History

No other relevant site history was identified.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Transport

Historic Environment Scotland

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

Publicity and Public Engagement

Date of Neighbour Notification: 7 December 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 15 December 2023

Site Notices Date(s): 8 December 2023

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) The proposals harm the listed building or its setting.

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

- *Managing Change - Interiors*
- *Managing Change - Windows*

The internal alterations are acceptable as the property has been heavily refurbished in the past and little historic fabric remains. The installation of new nonloadbearing partitions and a new separating floor is acceptable and will not impact on any historical architectural features. The existing interior is modern in character with modern mouldings and the alterations are acceptable in this context.

The re-opening of a former window and the reconfiguration of an existing window on the west elevation is acceptable. The new window openings will match the existing windows on this elevation in terms of dimensions and profiles. The existing openings will be infilled using existing stone.

The glazing to the existing windows is to be replaced with narrow profile double glazing with a cavity gap of no more than 6mm in accordance with Council guidance and this is acceptable.

The proposal will not have a detrimental impact on any historical architectural features and will therefore not adversely impact on the special architectural or historic interest of the listed building.

Conclusion in relation to the listed building

The proposal will not have a detrimental impact on the special architectural or historic interest of the listed building and is acceptable with regards to Section 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 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.

The proposed changes represent minor alterations to the building. By virtue of their size, location and suitable materials, the works would not have a detrimental impact on the character and appearance 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 NPF4 and LDP 2016 policies to be considered are:

- NPF4 Sustainable Places Tackling the climate and nature crises Policy 1.
- NPF4 Sustainable Places Historic assets and places Policy 7.
- NPF4 Productive Places Tourism Policy 30.
- Local Development Plan Delivering the Strategy policy Del 1.
- Local Development Plan Housing Policy, Hou 7.
- Local Development Plan 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 Business (2024) is a material consideration that is relevant when considering LDP Policy Hou 7 and NPF4 policy 30.

The Edinburgh Design Guidance is a material consideration when considering LDP Policies Tra 2 and Tra 3.

The Developer Contributions and Infrastructure Delivery Supplementary Guidance is a material consideration when considering LDP Policy Del 1.

Listed Buildings, Conservation Area, and World Heritage Site

Impact to the Listed Building and the New Town Conservation Area were assessed in sections a) and b) respectively. No negative impact to the world heritage site was identified. The proposal complies with NPF4 Policy 7.

Proposed Use

With regards to NPF4 Policy 1, the proposals will have a neutral impact on the climate and nature crises. The proposals are sited and designed suitably to minimise lifecycle greenhouse gas emissions, the change of use proposed is unlikely to result in a significant increase to the operational emissions of the building, and the proposed physical works will be subject to detailed further assessment as part of the building warrant process.

NPF4 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 (2024) 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

Whilst there are residential properties in proximity to the application site, when considering the high level of ambient background noise in the area, which features a number of hotels, other forms of visitor accommodation and late night uses, the change of use from office to STL will not result in an unreasonable impact to the amenity of nearby residents. The level of activity and patterns of movement created by the proposed short term lets in the vicinity of the application site are unlikely to differ from what might reasonably be expected in this location by residents.

The proposal complies with NPF4 policy 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 property this will only be supported where the economic benefits of the proposals are outweighed by demonstrable local economic benefits.

The proposal would not result in the loss of residential accommodation. As such, NPF4 30(e) part (ii) does not apply.

Transport

No car parking is proposed. One cycle space is proposed. This is compliant with the requirements set out in the Edinburgh Design Guidance. Given the location of the development it is well served by public and active travel options which serve as a suitable alternative to private car use.

The applicant will be required to contribute the net sum of £8,228 (based on proposed 12 bed hotel (£52,429) and existing 491.9sqm office (£44,201) in Zone 1) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment. A suitable legal agreement will need to be agreed in regard to the necessary tram contribution.

The proposal complies with LDP Policies Del 1, Tra 2 and Tra 3.

Conclusion in relation to the Development Plan

The change of use to STL is acceptable with regards to residential amenity, the character of the area, and will not result in a loss of residential accommodation, complying with LDP policy Hou 7 and NPF4 Policy 30(e). The application is acceptable with regard to heritage and transport matters subject to a suitable legal agreement being reached. The application is in accordance with the development plan.

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

The following material planning considerations have been identified:

Emerging policy context

On 5 April 2024, the Planning and Environmental Appeals Division published its report into the examination of the Proposed City Plan 2030 and supporting documents in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. The Council is currently considering the recommendations and modifications required to the Proposed City Plan 2030. It is the intention that the modifications will be considered by the Council before the end of June 2024. At this time in the context of the consideration of this particular application limited weight can be given to the relevant policies of City Plan 2030 until the proposed modifications have been fully considered.

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

Two representations were received in objection to the application. A summary of the representations is provided below:

material considerations

- Negative impact to neighbouring amenity. Addressed in Section C.
- Guests are likely to arrive by private car. Addressed in Section C.
- Impact to the character of the area. Addressed in Section B.
- Impact to car parking availability. Addressed in Section C.

non-material considerations

- The property would be well suited to residential use.
- Inaccuracies in the supporting documents submitted regarding the number of residences on Hope Street.
- Sufficient Short Term Let accommodation in the local area.
- The regular sounding of the burglar alarm
- Property management
- Potential for anti-social behaviour. Anti-social behaviour is a matter for Police Scotland.

Conclusion in relation to other 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 change of use to STL is acceptable with regards to residential amenity, the character of the area, and will not result in a loss of residential accommodation, complying with LDP policy Hou 7 and NPF4 Policy 30(e). The application is acceptable with regard to heritage and transport matters subject to the necessary tram contribution being made. The application is in accordance with the development plan and there are no material considerations which outweigh this conclusion. It is therefore recommended that the application is granted subject to a suitable legal agreement being reached regarding the tram contribution.

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. The applicant will be required to contribute the net sum of £8,228 (based on proposed 12 bed hotel (£52,429) and existing 491.9sqm office (£44,201) in Zone 1) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment.
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 applicant should consider developing a Travel Plan including provision of a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 6 December 2023

Drawing Numbers/Scheme

01, 02, 03C, 04, 05

Scheme 4

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: James Armstrong, Planning Officer
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Summary of Consultation Responses

NAME: Transport

COMMENT: No objections subject to appropriate conditions and informatives.

DATE: 20 March 2024

NAME: Historic Environment Scotland

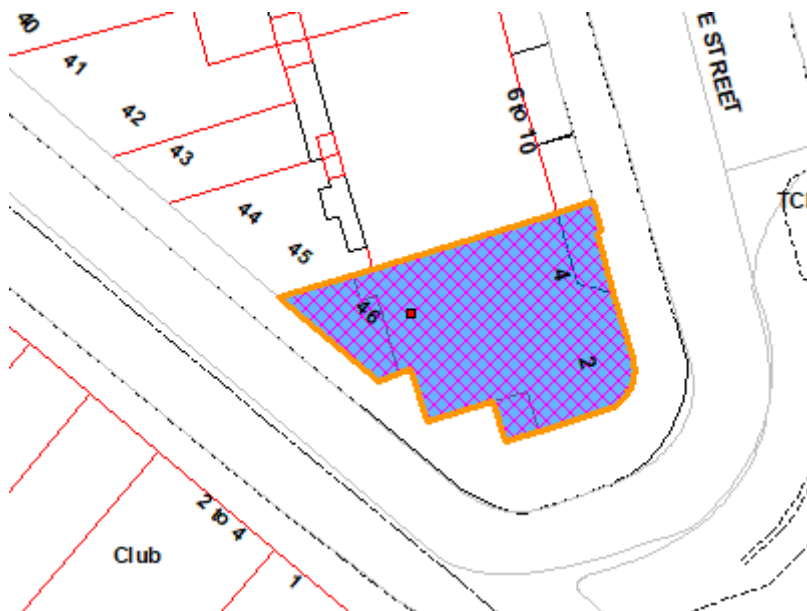
COMMENT: Following our site visit, we consider the impact of the proposed alterations to the listed building would be minimal - there appears to be little historic fabric surviving internally. However, we understand that site investigations will be taking place to determine the makeup of the building fabric. Therefore, if any historic features are discovered during this process, we would recommend that these are protected.

Additionally, a flagpole is proposed above the front door to the property, although there are limited details provided. For the proposed use as flats, we would question the need for a flagpole, which would increase the clutter on the façade. We would suggest a simple plaque by the doorway instead.

DATE:

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

Location Plan



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