

Development Management Sub-Committee Report

Wednesday 17 April 2024

**Application for Planning Permission STL
43 Thistle Street South West Lane, Edinburgh, EH2 1EW**

Proposal: Change of use from vacant offices to serviced apartments with minor external works.

**Item – Committee Decision
Application Number – 23/04871/FULSTL
Ward – B11 - City Centre**

Reasons for Referral to Committee

Given the significance of the issue of short term lets (STLs) 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 and 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) and the Edinburgh Local Development Plan (LDP).

There are no other material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site comprises vacant offices on the second and third floor of a four-storey building at 43 Thistle Street South West Lane. Access to the property is from Thistle Street South West Lane via a set of stairs. The ground and first floors of the building are in retail use with sales space and rear storage areas. The retail unit has its main entrance from George Street. There is no access to a private or communal garden.

Thistle Street South West Lane is in a mixed-use area with rear entrances to retail uses and garages on the ground floor and a mix of commercial uses and offices above. The property is off Thistle Street which has cafes, restaurants, and bars. In December 2022, planning permission was granted for change of use from residential use to short-term let use for 11 flats at 23 Thistle Street South West Lane. Public transport links are easily accessible from the site.

The application property is a B listed building (LB 28842, dated 20.2.1985). The site lies within the New Town Conservation Area and the Old and New Towns of Edinburgh World Heritage Site.

Description of the Proposal

The change of use will create two serviced apartments. One unit on the second floor will have a floor area of 39.33sq m and will comprise a living room, kitchen/dining area, bedroom, and bathroom. The second unit on the third floor will have a floor area of 48.94 sq. m and will comprise a living room, kitchen/dining area, one bedroom and bathroom.

A new timber door will be installed on the ground floor of the front elevation to serve the new serviced apartments only. A small window adjacent to the main door will be refurbished. Ten windows on the second floor and ten windows on the third floor will be refurbished and new double-glazed sashes installed. Two rooflights at third floor level will be blocked up internally and refurbished. Listed building consent was obtained for these works on 20.11.2023 (planning reference 23/04872/LBC)

Supporting Information

Design Statement.

Relevant Site History

23/04872/LBC

43 Thistle Street South West Lane
Edinburgh
EH2 1EW

Internal and external works to facilitate use as serviced apartments.

Granted

20 November 2023

16/06236/FUL

43 Thistle Street South West Lane
Edinburgh
EH2 1EW

Change of Use from Office to Residential including replacement windows and addition of 4 conservation-style rooflights.

Granted

7 March 2017

16/06235/LBC

43 Thistle Street South West Lane
Edinburgh

EH2 1EW

Conversion from Existing Office to Residential including internal alterations, replacement of windows and addition of 4 conservation roof-lights.

Granted

16 March 2017

04/02043/FUL

43 Thistle Street South West Lane

Edinburgh

EH2 1EW

Change of use from office to maisonette

Granted

27 August 2004

Other Relevant Site History

22/01780/FUL

22/01781/FUL

22/01804/FUL

22/01785/FUL

22/01794/FUL

22/01798/FUL

22/01675/FUL

22/01679/FUL

22/01683/FUL

22/01688/FUL

22/01691/FUL.

Change of use from residential to short term let use at flats 1-11 23, Thistle Street South West Lane.

Granted 07.12.2022.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

No consultations undertaken.

Publicity and Public Engagement

Date of Neighbour Notification: 19 October 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 27 October 2023

Site Notices Date(s): 24 October 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 or its setting.**

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

- Managing Change in the Historic Environment: Guidance on the principles of listed buildings
- 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.

The proposals will not have an adverse impact on or cause harm to the listed building. New double-glazed sashes are proposed to the existing windows, and these will be like-for-like to match existing. Narrow profile double glazing with a cavity of 6mm between two 4mm panes is proposed in accordance with Council guidance. The setting of the listed building and the setting of neighbouring listed buildings will be unaffected by the proposals.

Conclusion in relation to the listed building

The proposal harms neither the listed building nor 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.

"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 external changes at the property are minimal. The impact on the appearance of the conservation area is acceptable. The proposal will not have a negative 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 policies to be considered are:

- NPF 4 Sustainable Places Policy 1.
- NPF 4 Historic Assets and Places Policy 7.
- NPF 4 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' (2024) is a material consideration that is relevant when considering change of use applications.

Listed Building and Conservation Area

The proposed external 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

Policy 1 of the NPF 4 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 proposal will have a neutral impact in terms of NPF 4 Policy 1.

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 relates to STL proposals.

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

Amenity

The application property has its own main door entrance leading to a hallway and stairs rising up to second and first floor level from Thistle Street South West Lane. There is an emergency door from the retail unit at first floor level. This leads to the aforementioned stairs, hallway, and main door, but would only be used in an emergency.

The character of Thistle Street South West Lane, although in the heart of the city centre is relatively quiet. The main uses are rear accesses for retail units and restaurants on George Street and Thistle Street, garages, and offices. There are no residential properties within the vicinity of the application site. Eleven properties in one block at number 23 Thistle Street South West Lane have obtained consent for short term let use. Consequently, introducing a STL use in this street would not have a materially detrimental impact on the living conditions of nearby residents.

In these circumstances the STL use is acceptable, and 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 vacant offices. Planning consent was obtained to change the use of the application property from office use to a two-bedroom maisonette flat on 7 March 2017. This consent was never taken up and the current use remains as offices. 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. 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

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

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 and 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) and the Edinburgh Local Development Plan (LDP).

There are no other material considerations that outweigh this conclusion.

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

2. 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. 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: 25 September 2023

Drawing Numbers/Scheme

01-06, 07A.

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

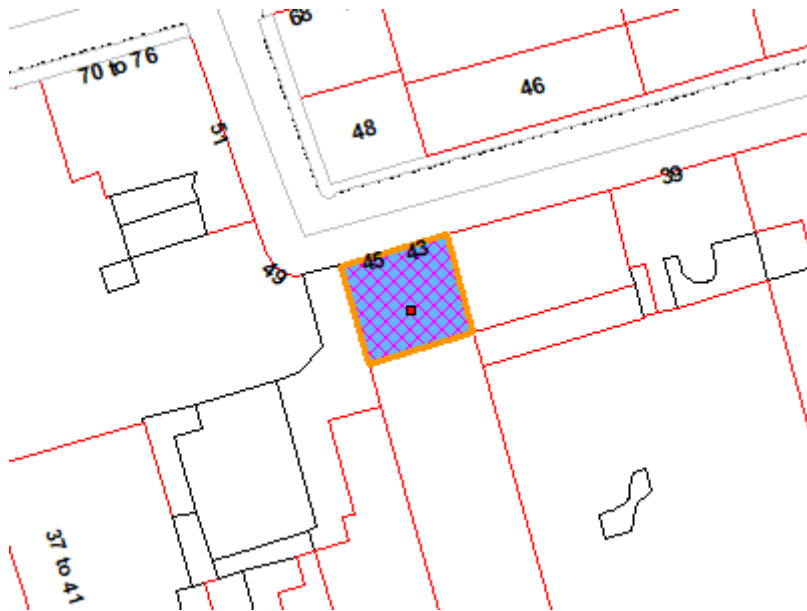
Contact: Lesley Porteous, Planning Officer
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Appendix 1

Summary of Consultation Responses

No consultations undertaken.

Location Plan



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