

Development Management Sub-Committee Report

Wednesday 23 October 2024

**Application for Planning Permission STL
Flat 7 30B Chambers Street, Edinburgh, EH1 1HU.**

Proposal: Change of Use (from residential to short term let).

**Item – Committee Decision
Application Number – 24/03575/FULSTL
Ward – B11 - City Centre**

Reasons for Referral to Committee

The application has been referred to Development Management Sub-Committee because the application has attracted more than 20 letters in support, and the recommendation is for refusal. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

It is recommended that this application be **Refused** 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 preserve the character and appearance of the conservation area and does not harm the character of the listed building, its setting, or the setting of neighbouring listed buildings.

The change of use of this property to a short term let (STL) will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity or the loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

SECTION A – Application Background

Site Description

The application property, which forms part of the former Edinburgh Dental Hospital and School, is a third-floor flatted dwelling accessed via a communal entrance at street level. It comprises two double bedrooms, living/dining/kitchen space, a bathroom, and a mezzanine and is one of eleven flatted dwellings at 30B Chambers Street. The property is at the west end of Chambers Street opposite the National Museum of Scotland and is in close proximity to the George IV Bridge.

Flat 6 30B Chambers Street also has a planning application being considered for a change of use (see other relevant site history).

In addition to the eleven flats at 30B Chambers Street, uses within the building include nine STL units at 31A Chambers Street (permitted STL use in December 2023 - see other relevant site history) across the ground and first floor and a late-night bar/club at 30A Chambers Street across the ground floor and basement level. The adjoining building to the west that sits at the corner of Chambers Street and George IV Bridge includes a restaurant at ground floor with two flatted dwellings above across the second and third floor. The surrounding area is mixed in character with a high volume of commercial activity, vehicular traffic, and visitor attractions that contributes to a vibrant city centre area.

The site forms part of a category B listed building (LB reference: 27622, date of listing: 29 April 1977) and is in the Old and New Towns of Edinburgh World Heritage Site and the Old Town Conservation Area.

Description of the Proposal

Planning permission is sought for a change of use of the site from residential to a short-term let (sui generis). No external or internal physical changes are proposed.

Supporting Information

The applicant has submitted a planning statement alongside a comparative economic benefit assessment.

This is available to view on the Planning and Building Standards Online Service.

Relevant Site History

No relevant site history.

Other Relevant Site History

98/03178/FUL
31 Chambers Street
Edinburgh
EH1 1HU

Change of use from dental school to mixed use (restaurant/cafe & offices and flats)
Granted

04 February 1999

Planning and Environmental Appeals Division Case
PPA 230 2446

Flats 1 to 9, 31A Chambers Street, Edinburgh, EH1 1HU

Change of use of the entire property at 31A Chambers Street for use a short term let accommodation including 9 apartments operated and managed as one unit with independent / main door access from the street.

City of Edinburgh Council (22/05381/FULSTL)

Appeal Allowed - planning permission granted

20 December 2023

24/03576/FULSTL

Flat 6 30B Chambers Street

Edinburgh

EH1 1HU

Change of use from residential to STL.

Pending Decision

Pre-Application process

There is no pre-application process history.

Consultation Engagement

No consultations undertaken.

Publicity and Public Engagement

Date of Neighbour Notification: 13 August 2024

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 23 August 2024

Site Notices Date(s): 20 August 2024

Number of Contributors: 33

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: 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.

The proposed change of use does not involve operational development resulting in physical changes to the listed building. Accordingly, the proposal will not have a detrimental impact on the special architectural or historic interest of the listed building, its setting, or the setting of neighbouring listed buildings.

Conclusion in relation to the listed building

The proposal is acceptable with regard 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 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 are no external changes proposed. The change of use would not have a material impact on the character or appearance of the conservation area. Therefore, the proposal does not conflict with the objective of preserving the character or appearance of the conservation area.

Conclusion in relation to the conservation area

The proposal 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, Tackling the climate and nature crises Policy 1.
- NPF4 Sustainable Places, 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 NPF 4 Policy 7.

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.

Historic Assets and Places

The proposals impact on the category B listed building and Edinburgh's Old Town Conservation Area have been assessed in sections a) and b) respectively. Additionally, the proposal does not conflict with the objective of preserving and protecting the Old and New Towns of Edinburgh's World Heritage Site.

The proposal complies with NPF 4 Policy 7.

Proposed Use

With regard to NPF 4 Policy 1, the proposed change of use does not involve operational development resulting in physical changes to the property. The proposal 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 relates to STL proposals.

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

Amenity:

The application property is a third-floor flatted dwelling comprising two double bedrooms, living/dining/kitchen space, and a bathroom, in addition to a mezzanine. Access is via a communal main entrance and shared stairway. The shared stair accommodates eleven flatted dwellings at 30B Chambers Street across the second, third, and fourth floor level of the building with five on the second, five on the third, and one on the fourth.

Other than the flats at 30B Chambers Street the other uses within the building are commercial, comprising nine STL units and a late-night bar/club. The communal door entrance for the flats at 30B sits between the door entrance for the STL units and the door entrance for the late-night bar/club.

The surrounding area is mixed in character with a high volume of commercial activity, vehicular traffic, and visitor attractions which contributes to a vibrant city centre area. The introduction of an STL in this location would be compatible with the character of the surrounding area.

However, access to the property is via a shared internal stairway that accommodates ten other residential flats. The applicant states that the application property and Flat 6 30B Chambers Street (which is the other STL proposal pending decision) are the only third-floor properties that can be accessed directly by the building's lift. This means there is no requirement to pass through any fire doors and that potential conflict between the respective occupiers of both property's which share the same immediate communal space can be avoided. Whilst permitting use of both flats as STLs may not raise amenity concerns for the occupiers of the respective flats, they share the communal entrance and internal stairway with nine other flats.

The proposed STL would introduce an increased frequency of movement to the property via the common stair. The use would enable visitors to arrive and stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents. There is no guarantee that guests would not come and go frequently throughout the day and night, and transient visitors may have less regard for neighbours' amenity than individuals using the property as a principal home.

Due to the location of the flats at 30B, residents might reasonably expect and likely experience ambient noise throughout the day and in the evening from nearby commercial activity. However, the potential for noise to be generated from transient guests occupying the application property would adversely impact the degree of ambient background noise expected, particularly for those that share party walls with the property to the east, west, and below.

Additionally, the use of the property as an STL could lead to a reduced sense of security for neighbouring residents. Interaction with different sets of unfamiliar guests on a regular basis within the common stair could adversely impact on the amenity and safety of other residents.

On balance, although the STL proposal is in a vibrant city centre area it would result in further deterioration in living conditions of neighbouring residents as a result of potential noise disturbance and security concerns and therefore its impact on local amenity is unacceptable.

The proposal does not comply with NPF 4 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 accommodation, this will only be supported where the loss is outweighed by demonstrable local economic benefits.

Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. The use of the property by guests and the required maintenance and upkeep of STL properties are likely to result in a level of job creation and spend within the economy which can be classed as having an economic benefit.

The applicant's planning statement includes a brief review of the independent economic assessment commissioned by the Planning Service and reported to Planning Committee in June 2023. The statement details that as there has been a very small number of short-term lets approved and as less are therefore available, occupancy rates will increase for each STL property and the economic circumstances surrounding the value of short-term let properties will change. It continues that the practical circumstances in the city today and into the future, are likely to be very different from those that acted as a baseline for the original assessment, and therefore its findings hold limited value for when considering NPF4 policy 30 e.) part ii).

As explained in section d) below, limited weight is attached to the independent economic assessment commissioned by the Planning Service in relation to this application, as it considered generalities more than specifics.

The applicant has also commissioned a comparative economic analysis report assessing the difference in local benefits between use of the property for short-term let and residential. However, this is based on general assumptions in terms of occupancy, length of stay, patterns of behaviour of guests etc which is reinforced as the proposal is not retrospective, and therefore limited weight has also to be attached to this.

Notwithstanding the applicant's submissions in the planning statement and the comparative analysis report, the current established planning use of the property is for residential accommodation. Consequently, the use of the property as an STL would result in a loss of residential accommodation, which given the recognised need and demand for housing in Edinburgh, is important to retain, where appropriate.

Further, it is important to recognise that residential occupation of the property contributes to the economy, in terms of providing a home and the spend in relation to the use of the property as a home, including the use of local services and resultant employment, as well as by making contributions to the local community.

In this instance, it has not been sufficiently demonstrated that the loss of the residential accommodation is outweighed by demonstrable local economic benefits.

The proposal does not comply with NPF 4 30(e) part (ii).

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 proposal complies with LDP 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. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity or the loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7.

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. On 27 June 2024 the Council accepted the recommendations and modifications required to the Proposed City Plan 2030.

On 10 September 2024 Scottish Ministers issued a Direction under section 20(5) of the Town and Country Planning Scotland Act 1997 that City of Edinburgh Council consider modifying the proposed City of Edinburgh Local Development Plan 2, City Plan 2030 as detailed within the annex to the direction. The required modifications are being reviewed and will be considered at a further meeting of the Planning Committee and then further Full Council.

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 adoption of the plan.

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.

Independent economic impact assessment

An independent economic impact assessment was commissioned by the Planning Service, and this resulted in a report on the Economic Impact of Residential and Short-Term Let Properties in Edinburgh (the Economic Report). This was reported to Planning Committee on 14 June 2023.

The Committee noted that the findings of the report are one source of information that can be considered when assessing the economic impacts of short-term let planning applications and that given the report is considering generalities rather than the specifics of an individual case, it is likely that only limited weight can be attached to it as a material consideration when making planning application decisions. The study considered the economic impact of various types of properties in Edinburgh if used as a residential property as opposed to being used for short-term holiday lettings.

The Economic Report shows that there are positive economic impacts from the use of properties for both residential use and short-term let use. The Report found that in general the gross value added (GVA) effects are greater for residential uses than short-term lets across all property types and all areas. However, given it is considering generalities rather than the specifics of this individual case, only limited weight can be attached to it as a material consideration in the determination of this application.

Public representations

The application has received 33 comments, all in support of the proposal. A summary is provided below:

material considerations

- Compatible with the character of the area. Addressed in sections b and c).
- It would not have an adverse impact on residential amenity. Addressed in section c).
- Visitors contribute to Edinburgh's tourist economy. Addressed in section c).

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 preserve the character and appearance of the conservation area and does not harm the character of the listed building, its setting, or the setting of neighbouring listed buildings.

The change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity or the loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reason for Refusal: -

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this property as a short term let will have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal is contrary to National Planning Framework 4 Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this property as a short term let will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 13 August 2024

Drawing Numbers/Scheme

01

Scheme 1

David Givan
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PLACE
The City of Edinburgh Council

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Summary of Consultation Responses

No consultations undertaken.

Location Plan



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