

Development Management Sub Committee

Wednesday 29 July 2020

**Application for Planning Permission 20/01540/FUL
at 5 South Charlotte Street, Edinburgh, EH2 4AN.
Change of use from office to short term holiday let.**

Item number

Report number

Wards

B11 - City Centre

Summary

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and setting of the listed building and preserves and enhances the character and appearance of the conservation area

The proposals comply with the Development Plan. The change of use is acceptable. Existing neighbouring amenity will not be detrimentally affected. There are no material planning considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LHOU07, LEN04, LEN06, LEN01, LTRA02, LTRA03, HES, HESINT, HESCON, NSG, NSLBCA, NSGD02, OTH, CRPNEW,

Report

Application for Planning Permission 20/01540/FUL at 5 South Charlotte Street, Edinburgh, EH2 4AN. Change of use from office to short term holiday let.

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The application property is a ground floor premises currently in office use in a three storey plus basement and attic stone terraced classical tenement on the east side of South Charlotte Street near its junction with Princes Street. At basement level there is flat and above there is offices and then residential use on the top floors. The application property has its own front door accessed via stone steps and stone platform.

The property is in a busy city centre street with a mix of land uses including residential, offices, shops and food outlets. Immediately next door to the application property is a fast food take away on one side and a bar and restaurant.

The application property is a category A listed building (date of listing: 3 March 1966; reference LB28512).

This application site is located within the New Town Conservation Area.

2.2 Site History

13 July 2012 - certificate granted for application for a Certificate of Lawfulness for use as a Class 4 Business (application number 12/02079/CLE);

21 September 2012 - permission granted for change of use of the basement from office (Class 4) to flatted dwelling (sui generis). The ground floor of the building will be retained in office use. (application number 12/02482/FUL) and

3 April 2020 - application received for change of use from office to residential (application number 20/01532/FUL).

Main report

3.1 Description of the Proposal

The proposal is for a change of use from office to short term holiday accommodation (short stay commercial visitor accommodation - SSCVA). At this stage, no internal or external alterations are proposed.

Scheme 1

Fitted kitchen units and en-suite in principal room were deleted from the proposals. These will come forward as part of a future application for listed building consent.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the principle of the change of use is acceptable;
- b) the proposal will harm the architectural or historic interest of the listed building;
- c) the proposals will adversely affect the special character or appearance of the conservation area and special qualities of the world heritage site;
- d) the proposal will impact on neighbouring amenity;
- e) there any Roads Authority or parking issues and
- f) any issues raised in representations have been addressed.

a) Principle of development

The application property is in the City Centre as defined in Edinburgh Local Development Plan (LDP). There is a variety of uses in the area including residential.

The policy that is applicable to the assessment of short stay commercial lets is policy Hou 7 (Inappropriate Uses in Residential Areas) which states that developments, including changes of use which would have a materially detrimental impact on the living conditions of nearby residents, will not be permitted.

The non-statutory Guidance for Business states that for a change of use to short term commercial visitor accommodation, special regard will be made to the following:

- 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.

The guidance states that change of use in flatted properties will generally only be acceptable where there is a private access from the street, except in the case of HMOs.

In connection to short stay lets it states - *The Council will not normally grant planning permission in respect of flatted properties where the potential adverse impact on residential amenity is greatest.*

There has been a number of appeal decisions which have helped to assess whether a change of use has taken place and whether that change of use is acceptable. There are currently 44 planning enforcement cases open in relation to short stay let uses.

There has also been planning appeal decisions against refusals to grant planning permission and certificates of lawfulness for short stay lets. These decisions have typically allowed short term let uses in main door properties or flats with their own private accesses e.g. 11 Stevenson Drive (CLUD-230-2007), 103 Restalrig Road (CLUD-230-2006) and 17 Old Fishmarket Close (PPA-230-2238). Appeal decisions such as 20 Pirniefield Grove (CLUD-230-2003) have also indicated that the use of residential properties for short stay letting does not always constitute a change of use. These appeals have also found that short stay visitor accommodation units can be acceptable in predominately residential areas

Recent appeal decisions like that at Flat 3F2, 22 Haymarket Terrace (ENA-230-2156) stress that the frequent movement by tourists, and other itinerant residents, of baggage along landings and stairwells as well as the necessity for daily servicing of the apartment all lead to a pattern of intense usage of the access stairs and communal areas beyond that which may otherwise be expected from an apartment of this size. All of which creates the potential for unacceptable noise and disturbance to existing residents.

The application site has direct access from the street and is in a busy city centre street. There will be no direct interaction between users of the short term letting accommodation and long term residents of the surrounding residential properties.

The principle of the development is considered acceptable.

b) Listed Building

Section 59 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 states: "In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Historic Environment Scotland's (HES) guidance note Managing Change in the Historic Environment: Interiors and re-use and Adaptation of Listed buildings, sets out the principles that apply to altering historic buildings.

Policy Env 4 Listed buildings- Alterations and Extensions states that proposals to alter or to extend listed buildings will be permitted where those alterations are justified; would not result unnecessary damage to historic structures or diminution of its interests; and where any additions would be in keeping with other parts of the building.

The aim of the Listed Building and Conservation Areas guidance is to prevent unnecessary loss or damage to historic structures and ensure that proposals will not diminish their interest.

HES guidance on the Use and Adaptation of Listed buildings stresses that changes may be required to find a new use for a listed building. The guidance advises that changes to specific assets and their context should be managed in a way that protects the historic environment and that careful consideration is required to avoid harming the building's special interest. It recognises that listed buildings will be adapted for new uses and that small-scale alterations will be required.

HES raised concerns regarding the proposed internal changes and revised drawings were submitted to address its concerns. However, as concerns remain about the proposed alterations and, at this stage, a site visit is not possible, the application is for a change of use only and a further revised drawing was submitted showing the existing floor plan and no current associated proposed internal changes.

This application is for a change of use only and listed building consent will be required for any proposed internal or external changes.

On the basis, that the proposal is for a change of use only, the proposed change of use will preserve the character and setting of the listed building and accord with section 59 of the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997. It also complies with Env 4 of the LDP and the non- statutory guidance on Listed Buildings and Conservations Areas.

c) **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."

Policy Env 6 Conservation Areas- Development states that development within a conservation area will be permitted which preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant character appraisal.

LDP Policy Env 1 (World Heritage Sites) states that development which would harm the qualities which justified the inscription of the Old and New Towns of Edinburgh or would have a detrimental impact on the Site's setting will not be permitted.

The site is located within the New Town Conservation Area. The character appraisal states that, the New Town Conservation Area represents a planned urban concept of European significance with an overriding character of Georgian formality. Stone built terrace houses and tenements, built to the highest standards, overlook communal private gardens; to the rear are lanes with mews buildings, many of which are now in housing use. The importance of the area lies in the formal plan layout of buildings, streets, mews and gardens and in the quality of the buildings themselves

This part of the conservation area is characterised by a mix of uses including residential and the proposed use will be compatible with the existing uses in the conservation area. Externally, the appearance of the building and, therefore, the conservation area, will remain unchanged. The proposal will not harm the qualities of the Outstanding Universal Value of the World Heritage Site.

The character and appearance of the conservation area and the Outstanding Universal Value of the World Heritage Site will be preserved. The proposals comply with Policy Env 6 and Env 1.

d) Neighbouring Amenity

There are no policies relating specifically to the control of short stay visitor accommodation in the current LDP. The only policy that can be applied is Hou 7 (Inappropriate Uses in Residential Areas) which considers whether proposed new uses would harm existing residential amenity

The application property has its own direct access from the public street and the building contains both residential and non-residential uses. The busy city centre street provides an ambient noise background. This is a small scale unit where noise impacts are not expected to cause harm to neighbours.

There will be no adverse impact on existing neighbouring amenity. The proposal complies with Local Development Plan Policy Hou 7.

e) Roads Authority

Policies Tra 2 and Tra 3 of the LDP sets out the requirement for private car and cycle parking. The car and cycle parking standards are contained in the Edinburgh Design Guidance.

The Roads Authority has no objections to the proposal subject to informatives relating to a Travel Plan and parking permit. The zero-parking provision is acceptable and complies with the parking standards in the Edinburgh Design Guidance. The application property is well served by public transport and is within walking or cycling distance of local amenities and many tourism venues.

There are no Roads Authority or transport issues.

f) Public comments

Material Comments - objections

- Impact on special character of building and features. Addressed in 3.3b).
- No location or site plan included - *Location plan provided in Drawing 01*

Conclusion

In conclusion, the change of use is acceptable. There will be no adverse impact on the special historical and architectural interest of the listed building and the character and appearance of the conservation area will be preserved. Existing neighbouring amenity will not be detrimentally affected. The proposal complies with Local Development Plan. It also complies with Section 59 (1) and Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
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. This consent is for planning permission only. Work must not begin until other necessary consents, eg listed building consent, have been obtained.
5. i). In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;
- ii) The applicant should be advised that as the development is located in Zones 1 to 8, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See

https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item_77_-_controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf (Category B - Newly sub-divided or converted);

Financial impact

4.1 The financial impact has been assessed as follows:

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

One public comment was received, from The Architectural Heritage Society of Scotland, objecting to the application.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The application property is defined in the Local Development Plan as being in the City Centre, the City Centre Retail Core, a conservation area and a World Heritage Site.

Date registered

8 April 2020

Drawing numbers/Scheme

01, 02B.,

Scheme 3

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Nancy Jamieson, Team Manager

E-mail: nancy.jamieson@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its setting.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

Relevant Government Guidance on Historic Environment.

Managing Change in the Historic Environment: Interiors sets out Government guidance on the principles that apply to alterations to the interiors of listed buildings.

Planning Advice Note 71 on Conservation Area Management recognises conservation areas need to adapt and develop in response to the modern-day needs and aspirations of living and working communities.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Other Relevant policy guidance

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.

Appendix 1

Application for Planning Permission 20/01540/FUL At 5 South Charlotte Street, Edinburgh, EH2 4AN Change of use from office to short term holiday let.

Consultations

Historic Environment Scotland

First Response - 29 April 2020

Thank you for your consultation which we received on 20 April 2020. We have assessed it for our historic environment interests and consider that the proposals affect the following:

<i>Ref</i>	<i>Name</i>	<i>Designation Type</i>
100018438	Edinburgh World Heritage Site Boundary	World Heritage Sites
LB28512	5-9 (ODD NOS) SOUTH CHARLOTTE STREET WITH RAILINGS,	Listed Building
GDL00367 Landscape	THE NEW TOWN GARDENS	Garden and Designed

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

Our Advice

The application concerns a raised ground floor 'main door' flat within an A listed Georgian tenement. We would not normally have concerns with the principle of change of use, but in this case the proposed plans, if carried out, would be harmful to the special interest of the listed building.

We can comment in more detail when consulted on the listed building consent application, but the plans show the kitchen proposed for the former street-facing dining room would impinge on the dado panelling, chimney breast, and appears to require the removal of the room's timber chimneypiece. It also provides kitchen units over and within what appears to be a buffet recess on the rear wall. The former drawing room of the flat - to the rear - is to be subdivided to provide an ensuite bathroom and store.

These actions would be harmful to the special interest of the listed building. Drawings should be revised to remove the more harmful elements.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.engineshed.org.

Please contact us if you have any questions about this response. The officer managing this case is Steven Robb who can be contacted by phone on 0131 668 8089 or by email on Steven.Robb@hes.scot.

Historic Environment Scotland

Second Response - 9 June 2020

Thank you for your consultation which we received on 20 April 2020. We have assessed it for our historic environment interests and consider that the proposals affect the following:

<i>Ref</i>	<i>Name</i>	<i>Designation Type</i>
<i>100018438</i>	<i>Edinburgh World Heritage Site Boundary</i>	<i>World Heritage Sites</i>
<i>LB28512</i>	<i>5-9 (ODD NOS) SOUTH CHARLOTTE STREET WITH RAILINGS,</i>	<i>Listed Building</i>
<i>GDL00367</i>	<i>THE NEW TOWN GARDENS</i>	<i>Garden and Designed Landscape</i>

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

Our Advice

We have no detailed concerns on the principle of change of use, but may comment further on the details of any subsequent listed building consent application for internal works.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.engineshed.org.

Roads Authority

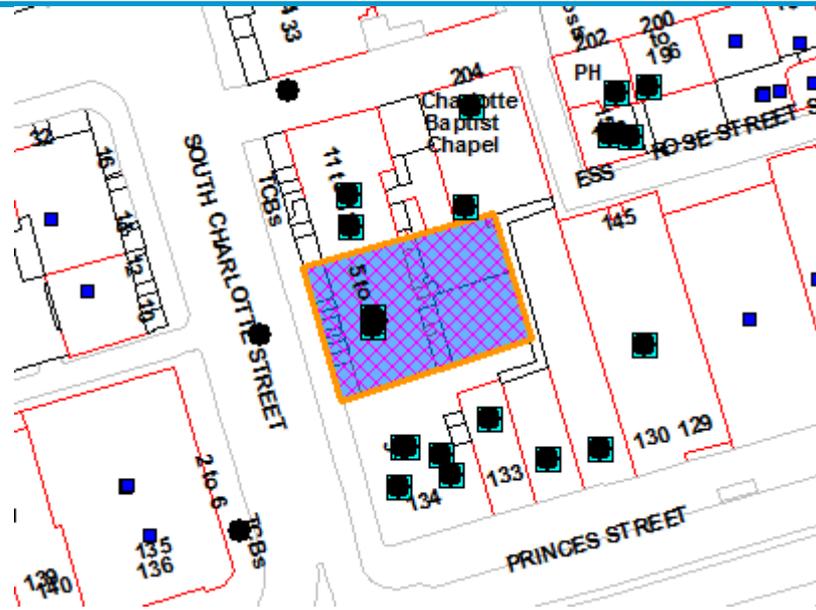
No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. *In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;*

Note:

- o The proposed zero car parking complies with the 2017 Parking Standards and is considered acceptable;*
- o This property will not be entitled to a residential parking permit due to the proposed business use;*
- o Cycle parking was not considered a requirement due to this being an application for conversion of an existing property;*
- o Proposed use does not meet the minimum GFA/unit requirements to generate a tram contribution;*

Location Plan



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