

Development Management Sub Committee

Wednesday 31 July 2019

**Application for Planning Permission 19/01932/FUL
At 6 John's Place, Edinburgh, EH6 7EP
Change of use from language school to guest house.**

Item number

Report number

Wards

B13 - Leith

Summary

The proposed change of use of the premises from language school to guest house will not have any adverse implications for the character of the surrounding area. It will not be situated immediately adjacent to residential properties and the site is highly accessible by public transport. The proposal complies with the policies of the Edinburgh Local Development Plan.

Links

[Policies and guidance for this application](#)

LDPP, LHOU07, LEMP10, LEN04, LEN06, NSBUS, LEMP09, NSG, NSLBCA,

Report

Application for Planning Permission 19/01932/FUL At 6 John's Place, Edinburgh, EH6 7EP Change of use from language school to guest house.

Recommendations

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

Background

2.1 Site description

The property is a mid-terraced Georgian property dating from 1825. It is three storeys with a basement. There are wide entrance steps leading up from a large front garden facing Leith Links. Queen Charlotte Street lies to the north and Constitution Street to the west. On the frontage at third floor level there is a large flag-pole, dating from its former use as a consulate.

To the rear, it has a two storey extension dating from the 1960s, occupying the entire rear garden and attaching to the main building at ground floor and basement. The interior has been remodelled c.1900 and almost all plasterwork and fireplaces date from this later period. Rooms in the south-west corner all have 20th century plain scribed cornices. The terrace was listed category B on 14 December 1970 (ref.27540).

This application site is located within the Leith Conservation Area.

2.2 Site History

28 February 2008 - Full planning permission was granted for the change of use of the property from office accommodation to language school (application reference 08/00263/FUL).

14 November 2018 - Full planning permission was granted for the change of use of the property from a language school to a residential dwelling. This was approved following a local review body decision subject to conditions. The change of use was never enacted and the conditions never met so the property remained within Class 10 use (application reference 18/00499/FUL).

3 June 2019 - Listed building consent was granted for the alterations associated with the change of use to a guesthouse (application reference 19/01933/LBC).

Main report

3.1 Description Of The Proposal

This application seeks full planning permission for the change of use of the premises from a language school to a guest house. This would involve a change of use from Class 10 (Non-Residential Institutions) to Class 7 (Hotels and Hostels). The premises was previously office accommodation and became a language school in 2008.

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 proposed use is acceptable;
- b) there is any impact on neighbouring amenity;
- c) there is any impact on the special interest of the listed building and the character and appearance of the conservation area; and
- d) public comments have been addressed.

a) Acceptability of Use

LDP Policy Emp 10 - Hotel Development states that hotel development will be permitted in locations within the urban area with good public transport access to the city centre. The application involves a change of use from Class 10 to Class 7. Class 7 relates to hotels, hostels and guest houses. The premises is situated immediately to the west of Leith Links and has good public transport access to the city centre with the nearest bus stop situated approximately 95 metres away on Queen Charlotte Street. A future tram stop in Constitution Street will be situated nearby. The proposal complies with policy Emp 10 and the use is acceptable in principle.

In terms of Policy Emp 9 - Employment Sites and Premises, the language school is not a business, industry or storage use so the proposed change of use would not result in the loss of an employment use. Concern was raised over the high density of guest accommodation in the area. There are no restrictions on this type of use in the area and other aspects of amenity are considered below. Therefore the use is acceptable in principle.

b) Neighbouring Amenity

LDP Policy Hou 7 - Inappropriate Uses in Residential Areas considers the impact of changes of use on residential amenity. It states that developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted. In the instance of this application, office accommodation lies immediately to the north and south of the property in question. The proposal will have no impact on adjacent residential amenity. The surrounding character is mixed with residential, commercial and other uses operating in the area and the proposals would be compatible with this. In addition, the planning authority cannot control the nature of those using the guest house. The proposal complies with Policy Hou 7.

c) Listed Building and Conservation Area

Policy Env 4 - Listed Buildings - Alterations and Extensions states that proposals to alter or extend a listed building will be permitted where there will be no unnecessary damage to historic structures or diminution of its interest.

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

The proposed internal and external alterations to the building have been approved under 19/01933/LBC and preserve the special interest of the listed building. The only external alterations are to the rear of the building. They will preserve the character and appearance of the wider conservation area because they are not readily visible and are small scale in nature. They therefore preserve the special character and appearance of the conservation area. The proposal complies with Policy Env 4 and Policy Env 6.

d) Public Comments

Material comments - objections

- Adverse implications for the character of the street and the wider area (Addressed in 3.3b).
- Overly high density of guest accommodation in area (Addressed in 3.3a).
- Loss of employment use (Addressed in 3.3a).

Non-material comments

- The nature of the business which will operate from the premises (Assessed in 3.3b).
- The demographic of people who choose to use the accommodation (Addressed in 3.3b).

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. 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:

I. Zero car parking is proposed in relation to this development, based on the sites location and accessibility to public transport and active travel routes this complies with the 2017 Parking Standards and is considered acceptable.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

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:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

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

Seventeen objection comments have been received. Leith Links Community Council has objected as a statutory consultee. This is summarised and addressed in the Assessment Section of this Report.

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

Located within the urban area as defined by the Edinburgh Local Development Plan 2016.

Date registered

24 April 2019

Drawing numbers/Scheme

01, 02, 03, 04, 05, 06, 07, 08, 09, 10,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Alexander Calderwood, Planning Officer

E-mail:alexander.calderwood@edinburgh.gov.uk Tel:0131 469 3824

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 Emp 10 (Hotel Development) sets criteria for assessing sites for hotel development.

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.

Non-statutory guidelines 'GUIDANCE FOR BUSINESSES' provides guidance for proposals likely to be made on behalf of businesses. It includes food and drink uses, conversion to residential use, changing housing to commercial uses, altering shopfronts and signage and advertisements.

LDP Policy Emp 9 (Employment Sites and Premises) sets out criteria for development proposals affecting business and industrial sites and premises.

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.

Appendix 1

Application for Planning Permission 19/01932/FUL At 6 John's Place, Edinburgh, EH6 7EP Change of use from language school to guest house.

Consultations

- Leith Links Community Council

"I apologise for being a few hours late with this submission re the above, and trust that you will accept it nonetheless, and hopefully forgive my error in thinking that a week's extension to the deadline for comments on it meant the following Friday (7 June), and not, as the calendar will strictly dictate, for the close of office hours on the next again Thursday (as I now see is what was agreed).

We are in any case of course a consultee on this application, as is our statutory right as a community council, so this case should receive a fuller airing whether this late submission is accepted or not.

And in the interests of that fuller airing, and because I am tight for time, I am sharing this comment with a number of concerned local people including our ward councillors, our local MP and MSP.

And I would entreat them, in particular, to do something about this situation. Some kind of a meeting needs to be arranged, perhaps involving planners, certainly ward councillors, and maybe a senior city official like the Director of Place? Because if ever a place needed some attention right now in this city, under the impending reality of the council's introduction of the tram network right through it, this is that place.

And might the applicants themselves not be persuaded to come to the party and address the community on the subject of their intentions? The Scottish Land Commission would certainly think they have a duty to do so. And the city's Development Management Sub-committee will surely want to make a site visit in due course.

Because Leith Links Community Council hereby **OBJECTS** to the above planning application, 19/01932/FUL, for the change of use from a language school to a guest house at 6 John's Place, EH6 7EP.

We believe that this application should have been considered in tandem with its linked application for Listed Building Consent (19/01933/LBC) at the same property, which we were highly surprised to learn was granted permission at the beginning of this week. Under delegated powers.

How come? When the deadline for comments on its linked FUL application had only just passed and the determination deadline for both lay some weeks away? It seems to us astonishing that this should have been allowed to happen. Does this granting of the LBC not seem somewhat premature and look likely to prejudice subsequent decisions pending on related applications such as the one at hand?

In any event, we remain adamant that this proposed conversion to intense guest house/hostel accommodation is entirely inappropriate for this listed building in the Leith Conservation Area. Its intended use is transparent.

We also feel that the City of Edinburgh Council (CEC) and its planning department should acknowledge and be wary of the fact that the applicants (K&S Mir Ltd) are well known locally and further afield for providing barely-resourced substandard temporary accommodation, CEC of course being a major client, that only function because of the care and diligence of the onsite healthcare professionals involved.

The group's property portfolio in the Leith Conservation Area (LCA) includes numerous buildings which they are also seeking to develop into multiple occupancy residential units of unspecifiable nature but quite possibly in the same vein, it is presumed, as their existing operations at 9 and 10 John's Place, and the nearby Abbot's House on Links Gardens, none of them that well reviewed on Trip Adviser.

K&S Mir Ltd and Cameron Guest House Group, its associated business, also own 8 John's Place, much of the property down nearby John's Lane and the still trading Latto's Garage site at 111-115 Constitution Street. (They also own the adjacent "at risk" listed building of St James's church, at 119 Constitution Street, where we miss the too many trees they needlessly cut down there, and the gatepost bollards).

These last three named properties are also at varying stages of the planning process, with various LBC and FUL applications live and being determined, "awaiting assessment", granted or withdrawn (but sure to reappear), scattered around in the system.

Honestly it's like playing Space Invaders. You zap one down, and another one springs up somewhere else on the screen. They're relentless!

And sure as eggs is eggs, fresh revised applications for some of these sites will ping up again in a few weeks or so, timed so as to coincide with the council's July recess and the school holidays, when many backs are turned and many engaged local people are out of the loop.

It has long been recognised that Leith already has an overprovision of this type of guest house/hostel accommodation, and it is unacceptable that any further such establishments should be permitted, particularly in this tightly contained part of the conservation area, a significant portion of which the applicant has managed to acquire.

If you were to greenlight all of this company's proposals, you would have in a highly concentrated location, on top of the scores of existing beds they already offer at the aforementioned addresses, the following:

20 new rooms at 6 John's Place
49 new rooms across 18-24 John's Lane and 111-115 Constitution St
30 new rooms at 130 Constitution St (already granted planning permission, forget the nine flats, work starting there just now)
11 new gaffes at 89 Constitution St (?)

Maybe they'll all be smart and sassy like in their property at 57 Constitution St, the former post office subsequently Drakes dentists, now the GPO Cafe and Rooms Leith.

But maybe they won't be.

Maybe they'll have the capacity to deliver high quality developments sympathetic to the location. But maybe they won't have. And we don't think this is a risk that the city of Edinburgh, and the town of Leith, should be required to take, on the basis of these drawings.

Our community council strongly shares the safety and security concerns of many local residents regarding any further hostel provision of this type by this operator in this mainly residential area, on the perimeter of the Links and local play park, and right in the middle of the old town of Leith.

It is a service for which there is an unarguable demand, sadly, and the council has to facilitate its supply, which is not easy when dealing with the huge range of displaced and temporarily unsettled folks out there, many of them brand new and vulnerable, quite a few of them damaged and hardly any of them downright dangerous Dan. But these individuals are not well served by this operator's practices and methods, so the story goes.

Anyhoo, this application would clearly be to the detriment of neighbourhood amenity, the grain and character of the Leith Conservation Area, and to the detriment of its multi-faceted (diverse) and mostly welcoming community.

And it appears to ride a coach and horses through a whole host of good and proper practices, some of them advisory, others mandatory, all of them better articulated in objection comments made by others on the planning portal.

Leith Links Community Council

(Andrew Mackenzie, LLCC Planning Sub-group Chair)

PS: A bugbear -

I recently attended a planning training event for community councillors at the City Chambers. The advice given included the tip that we should not attempt to pass ourselves off, in our comments, as "experts" in the planning system. No, what planners want from community councils is their view of what impact an application might have on their community. Which is all well and good, we're volunteers after all, and surely shouldn't pretend to knowledge we don't have about the labyrinthine muddle that is planning, still predicated on the corrosive presumption "in favour of development" that dates back to the end of the Second World War, etc.

But then what appears routinely to happen is that the views of "members of the public" who take the trouble to comment on planning applications are simply discounted by planning officers if the points they make are not considered to be "material considerations". So they are dismissed and ignored. There's only one winner in this rigged game and that rankles, let me tell you, that ruffles our feathers.

PPS: The issue of public comments. We see the names and addresses of folks who have posted comments on the portal, but not the content of their comments. It may sometimes require some bravery on the part of an individual to post a comment, particularly on a case involving a well-resourced and unsympathetic developer. And yet, the "public" are corralled if not kettled by the council planning department "officers", their opinions sifted, managed and contained, no effort is made to bring the community of commenters together by the simple virtue of sharing content, and the developer gets to see their names and addresses. Which could have consequences. This ain't right. In fact it might be litigable. And we will seek to circumvent it.

PPPS Sorry about the wonky font, can't seem to do anything about it."

- Roads Authority

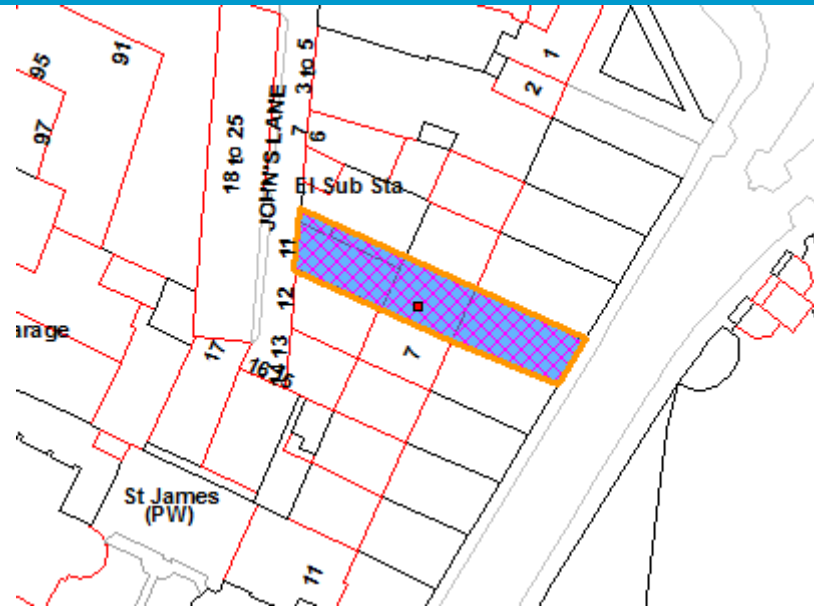
No objections to the application subject to the following being included as conditions or informatives as appropriate:

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:

- I. Zero car parking is proposed in relation to this development, based on this sites location and accessibility to public transport and active travel routes this complies with the 2017 Parking Standards and is considered acceptable.

Location Plan



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