

Development Management Sub Committee

Wednesday 5 May 2021

**Application for Planning Permission 21/00869/FUL
at 8 Shandwick Place, Edinburgh, EH2 4RP.
Change of use to provide short stay holiday
accommodation on 1st and 2nd floors.**

Item number

Report number

Wards

B11 - City Centre

Summary

The change of use to short stay lets is acceptable in principle in this location and will not harm the special interest of the listed building or the defined character of the conservation area. It will not result in an unreasonable loss of amenity for the residential properties above. The proposal complies with the adopted Local Development Plan. There are no material planning considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDEL02, LHOU07, LEN04, LEN06, NSG, CRPNEW, NSBUS, HES, HESUSE,

Report

Application for Planning Permission 21/00869/FUL at 8 Shandwick Place, Edinburgh, EH2 4RP. Change of use to provide short stay holiday accommodation on 1st and 2nd floors.

Recommendations

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

Background

2.1 Site description

The application relates to the first and second floors above a retail unit on the north side of Shandwick Place and immediately adjacent to the corner unit on Shandwick Place and Queensferry Street.

The current use of the building is as storage for the retail unit below. There are two residential units on the third floor.

The building was designed by Robert Paterson and built in 1880 and was C listed on 22 July 2009 (Ref. 51342)

The site is located within the World Heritage Site.

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

2.2 Site History

15 January 1997 - planning permission granted for alterations (Planning reference: 95/13125/FUL)

27 May 2011 - planning permission refused for alterations and part change of use of existing building to form 3 no new flats at first and second floors and retain 2no existing flats at third floor level (Planning reference: 11/01095/FUL)

30 May 2011- listed building consent granted for alterations and part change of use of existing building to form 3 no new flats at first and second floors and retain 2no existing flats at third floor level. Third floor flats to be altered and refurbished (Planning reference: 11/01095/LBC)

13 August 2013 - listed building consent granted for internal alterations to create holiday hostel on 3 floors (Planning reference: 13/02509/LBC)

24 May 2017 - Planning application withdrawn for the change of use from vacant storage of a shop and residential accommodation to a hostel (class 7) (Planning reference: 13/02490/FUL). Although the application was minded to grant, the tram contribution was not paid.

3 July 2017 - no further action taken in enforcement investigation regarding unauthorised hostel use as the use ceased (Enforcement reference: 17/00165/ECOU).

Main report

3.1 Description of the Proposal

The proposal is for change of use to the first and second floors to form four self-contained, self-catering short term holiday let units.

Two units would be formed on each floor. The existing toilets would be removed along with some minor walls. The main alteration is on the first floor where a new partition will be formed to separate the bed from the bathroom.

The new units will consist of a double bed, seating area, small kitchen area and bathroom.

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) the proposals preserve the character and setting of the listed building and
- c) the proposals preserve or enhance the character and appearance of the conservation area.

a) Proposed Use

The site is within the city centre where Edinburgh Local Development Plan (LDP) policy Del 2 (City Centre) permits development which retains and enhances its character, attractiveness, vitality and accessibility and contributes to its role as a strategic business and regional shopping centre and Edinburgh's role as a capital city. The policy requires uses or a mix of uses appropriate to the location of the site, its accessibility and the character of the surrounding area.

The main policy that is applicable to the assessment of short-stay commercial visitor accommodation (SCVA) lets is LDP 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 Businesses states that an assessment of a change of use of dwellings to SCVA 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.

It is noted that the current authorised use is storage.

There has been a number of appeal decisions which have helped to assess whether short stay visitor accommodation is acceptable or not. These appeals are material planning considerations. The main determining issues in these cases relate to the following:

- The location of the property and, in particular, whether it is part of a common stair shared by residents. Typically, appeals are successful where the property has its own private access;
- The frequency of movement and likely disturbance for neighbours, and whether this is likely to be more than a full-time tenant occupying the flat. Generally, the smaller the flat the less likelihood of disturbance to neighbours;
- The impact on the character of the neighbourhood. Again, this often relates to the size of the property and whether anyone renting it for a few days is likely to shop or use local services any differently from a long-term tenant;

- The nature of the locality and whether the property is located within an area of activity such as being on a busy road or near shops and other commercial services. As such, residents would be accustomed to some degree of ambient noise/ disturbance.

Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. Whilst there is not a specific LDP policy relating to the jobs created through the required care, maintenance and upkeep of SVCA properties, the economic benefits are a material planning consideration.

In terms of the location of the property, it is acknowledged that visitors will share a common stair with the residents on the third floor. Whilst this would not normally be acceptable, the nature of the locality would suggest that these residents are used to a degree of ambient noise and disturbance. Shandwick Place is a busy arterial route through the City with commercial premises on the ground floor and above. The introduction of four small self-catering units is unlikely to cause significant noise issues which would merit refusal.

The units are small studios for a maximum of two people each. Local services will be used but not intensively and it is unlikely there will be any adverse impacts on the character of the locality where the new use will fit in with the mixed use nature.

The proposal complies with policies Del 2 and Hou 7.

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 Notes on Managing Change in the Historic Environment: Use and Adaptation of Listed Buildings states; "New uses may enable us to retain much of the fabric and special interest of a building, but they will always have an impact on its intangible value. The process of conversion will have some impact on a building's special interest, regardless of how well it is handled. The continued use of a listed building for its original function will normally be the best way to retain its historic character".

LDP Policy Env 4, Listed Buildings - Alterations and Extensions, permits alterations to listed buildings when they are justified, in keeping with its character and can be undertaken without damage to historic structures or diminution of interest.

The internal alterations are assessed in more detail in the associated application for listed building consent but the building has been altered in the past and the alterations are generally considered acceptable.

The proposal complies with LDP Policy Env 4 and the relevant HES guidance.

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."

LDP Policy Env 6 - Conservation Areas - Development states that development within a conservation area will be permitted if it preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal and demonstrates high standards of design and utilises materials appropriate to the historic environment.

There are no proposed external alterations to the building and the appearance of the conservation area will be unaffected. In addition, there would be little change to the character of the conservation area should the use change from storage to short stay lets.

The proposal complies with LDP Policy Env 6.

Conclusion

The change of use to short stay lets is acceptable in principle in this location and will not harm the special interest of the listed building or the defined character of the conservation area. It will not result in an unreasonable loss of amenity for the residential properties above. The proposal complies with the adopted Local Development Plan. There are no material planning considerations that outweigh this conclusion.

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. 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.

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. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

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

No representations have been received.

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

Date registered 22 February 2021

Drawing numbers/Scheme 01-05,

Scheme 1

David Givan

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 Del 2 (City Centre) sets criteria for assessing development in the city centre.

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.

Relevant Non-Statutory Guidelines

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.

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.

Relevant Government Guidance on Historic Environment.

Managing Change in the Historic Environment: Use and Adaptation of Listed Buildings sets out Government guidance on the principles that apply to enable the use, the reuse and adaptation of listed buildings.

Appendix 1

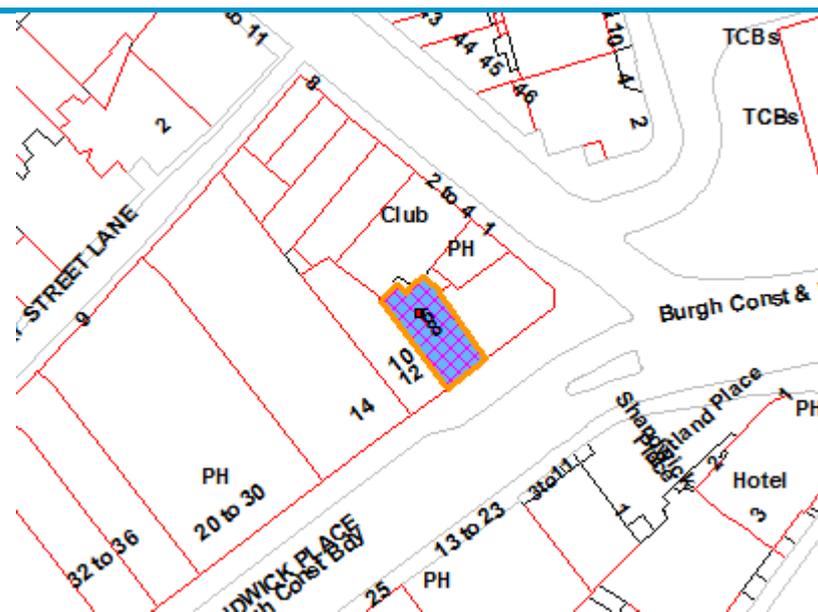
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Consultations

Roads Authority

No objections

Location Plan



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