

Development Management Sub Committee

Wednesday 19 May 2021

**Application for Planning Permission 19/06157/FUL
at 41 & 43 Lanark Road, Edinburgh, EH14 1TL
Change of use from public house and ancillary property to
form short stay commercial visitor accommodation and
associated alterations (in retrospect).**

Item number

Report number

Wards

B09 - Fountainbridge/Craiglockhart

Summary

The change of use to short term commercial visitor accommodation is acceptable in principle in this location and will not harm the special interest of the listed building, provided the UPVC windows are removed. It will not result in an unreasonable loss of amenity for neighbouring residential properties or raise any transport concerns. The proposal complies with the adopted Local Development Plan. There are no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDES01, LDES12, LEN03, LEN04, LEN21, LHOU07, LTRA02, LTRA03, LTRA04, NSG, NSLBCA, HES, HESINT, HESROF, HESSET, HESUSE,

Report

Application for Planning Permission 19/06157/FUL at 41 & 43 Lanark Road, Edinburgh, EH14 1TL. Change of use from public house and ancillary property to form short stay commercial visitor accommodation and associated alterations (in retrospect).

Recommendations

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

Background

2.1 Site description

The site consists of a mid-nineteenth century two storey former public house constructed from whitewashed rubble stone. The site also encompasses a separate outbuilding situated within the rear courtyard area.

The main building can be accessed from the front door of the building or through a private side door which leads to a private courtyard to the rear with stairs leading up. The outbuilding to the rear is also accessed through this private side door and through the private courtyard.

The surrounding area has a mixed residential/commercial character encompassing flatted properties and various industrial and commercial uses.

The premises are a category B listed building (listing date: 12 December 1974, reference: LB30121).

2.2 Site History

28 November 2018 - Planning permission granted for change of use from public house and ancillary property to residential property and alterations to existing residential property (as amended) (Application number: 18/07895/FUL).

28 November 2018 - Listed building consent granted for alterations for change of use from public house to residential property and alterations to existing residential flat above (as amended) (Application number: 18/07896/LBC).

3 September 2019 - Listed building consent granted for new window and door arrangement at rear outshoot and formation of new gas meter housing by removal of existing window (Application number: 19/03213/LBC)

27 December 2019 - Application pending for internal and external alterations to building (in retrospect) (Application number 19/06158/LBC).

Main report

3.1 Description of the Proposal

The application proposes the change of use of the existing public house and outbuilding (sui generis) to a short-term holiday/commercial visitor accommodation (SCVA). This is also a sui generis use. Twelve studio apartments are being formed.

It is understood that the SCVA had been operational since August 2019 although this has stopped since the pandemic.

Internally, the existing, largely non original partition walls have been removed and new walls have been installed. Externally 2 large new rooflights have been installed to the rear, a new, small roof terrace has been installed and the windows of the main building and the outbuilding have been replaced with windows which are of a sash and case style but which are constructed from UPVC.

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.

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 proposal is acceptable in principle;
- b) the development has special regard to the desirability of preserving the listed building, its setting or any features of special architectural or historic interest;
- c) the form and design of the proposal is acceptable
- d) the development will have a materially detrimental effect on the living conditions of nearby residents;
- e) the development raises any issues in respect of car and cycle parking and road safety;

- f) other material planning considerations have been addressed and
- g) comments raised have been addressed.

a) Principle of the Proposal

The application site is situated in the urban area as defined in the adopted Edinburgh Local Development Plan (LDP). It should be noted that the LDP does not include any policies against the loss of public houses.

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.

The guidance states that proposals for a change of use will be assessed in terms of their likely impact on neighbouring residential properties. Factors which will be considered include background noise in the area and proximity to nearby residents.

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.

These appeals have also found that short stay visitor accommodation units can be acceptable in predominately residential areas.

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.

The main building was previously utilised as a public house with residential accommodation located above and the outbuilding was used as ancillary storage for the pub with accommodation above. The main building now has ten SCVA rooms and the outbuilding to the rear, two SCVA rooms. The main building to the front is sited directly on Lanark Road and is near to the junction of Inglis Green Road. These are both busy arterial roads. The main building and outbuilding are both privately accessed. The directly surrounding uses are a mixture of business and commercial. Whilst there are some residential properties, these are located further away.

Based on the criteria established above, the proposal is acceptable in principle.

b) Impact on the 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."

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

Use and adaptation

Historic Environment Scotland's (HES) Managing Change in the Historic Environment guidance note on the use and adaptability of listed buildings is applicable. It states that *"for a building to remain in use over the long term, change will be necessary. This reflects changes over time in how we use our buildings and what we expect from them. The listed buildings in Scotland reflect a wide range of our history and culture, they contribute to our well- being culturally, socially and economically. We can't have these benefits without caring for these buildings. We need to make sure they have a long term future if we want to benefit from them in the long term"*

"A building's long-term future is at risk when it becomes hard to alter and adapt it when needed. Proposals that keep buildings in use, or bring them back into use, should be supported as long as they do the least possible harm. Once a building is empty or underused its long term future is immediately at risk"

The property was previously utilised as a public house with residential accommodation above and the outbuilding to the rear utilised as ancillary storage for the pub with accommodation above. The pub has however been closed for a number of years. A suitable use for the property must now be found.

Historic Environment Scotland's guidance note on the use and adaptability of listed buildings explains that the process of converting a building will have some impact on a building's special interest, regardless of how well it is handled.

Interior

Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Interiors states that *"Alteration to a historic building should protect its character. In general, the principal spaces in a building are more sensitive to change as these are the spaces that normally make the most significant contribution to its character"*

The building had previously been subject to a high degree of intervention in the past when it had been utilised as a public house. The ground floor was mainly open plan whilst a modern layout was also present in the upstairs level which was utilised for residential purposes. Overall, the interior was in a poor state of repair limiting the historical fabric that could have been retained.

The works which have been carried out have been done relatively sensitively, with all kitchen units being kept away from windows. It is noted that a dividing wall has been constructed between a window at the front elevation of the property. However, the dividing wall is very narrow, it is sited to an upper level window and is disguised to a degree by the central glazing bar of the sash and case style windows. On balance, the interior works are acceptable.

Roof

Historic Environment Scotland's Managing Change in the Historic Environment guidance note: Roofs states that *"Alterations and repairs to roofs should protect the character of the listed building. The contribution of the roof to that character should therefore be understood before considering how to alter the building"*

"Some areas of a roof will generally be more sensitive to change than others: alterations to subsidiary elevations are likely to have less visual impact on the character of a building".

"The addition of new features to principal or prominent roof slopes should generally be avoided. New dormers and roof lights should be appropriately designed and located with care".

Two large rooflights have been installed to the rear roof of the main listed building. It is noted that the roof already had a historic rooflight present. Whilst it is acknowledged that the rooflights are large, they are dark framed to blend in with the slate of the roof and have a dividing bar to break up the element of glass present.

They are also on a relatively private elevation and are therefore not overly noticeable. The roof at the principal elevation of the property remains untouched.

The rooflights are not sited on a principal or prominent roof slope and are acceptable.

There is a small outshot to the rear of the main building. This outshot has been subject to a high degree of alteration in the past including recent planning permission (19/03213/LBC) for the installation of a new window and door as part of its conversion into a plant room. Previously this outshot had a small element of mono pitched roof. This has been removed and replaced with a roof terrace. The new terrace is small and has black metal safety railings present around it.

The element of roof which has been removed had very little contribution to the character of the building. The element of roof was small, not of special interest and was on a secondary elevation. The roof terrace is acceptable.

Windows and doors

Historic Environment Scotland's Managing Change in the Historic Environment guidance note: Windows states that *"Generally, replacement windows should seek to match the original windows in design, form, fixing, method of opening and materials. In replacing sash windows, materials other than timber, e.g. uPVC, will rarely be acceptable. Softwood is traditionally used, now often treated to improve durability"*

It is noted that the plans approved under a previous application for listed building consent at the site (18/07895/LBC) showed that the existing largely timber windows were going to be replaced with timber windows on a like for like replacement, albeit with slim line double glazing. However, whilst the new windows in the property are of a traditional sash and case style they are actually formed from Upvc.

The new Upvc windows are not acceptable within this B listed building and this element of the works is contrary to LDP policy Env 4, Historic Environment Scotland's guidance on Managing Change in the Historic Environment: Windows and Edinburgh's Listed Building and Conservation Area Guidance. A condition has been applied to the consent stating that the new Upvc windows are not approved and that they should be removed and replaced with suitable timber sash and case windows within 6 months of the application being determined.

Setting

Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Setting states that *"setting can be important to the way in which historic structures or places are understood, appreciated and experienced. It can often be integral to a historic asset's cultural significance."*

Setting often extends beyond the property boundary or 'curtilage' of an individual historic asset into a broader landscape context. Both tangible and less tangible elements can be important in understanding the setting. Less tangible elements may include function, sensory perceptions or the historical, artistic, literary and scenic associations of places or landscapes".

LDP policy Env 3 (Listed Buildings - Setting) states that development within the curtilage or affecting the setting of a listed building will be permitted only if not detrimental to the architectural character, appearance or historic interest of the building or to its setting.

The alterations to the building, apart from the Upvc windows which are unacceptable, will not impact upon the way the building is understood, appreciated or experienced.

The majority of the works which have been carried out to the buildings generally complies with Historic Environment Scotland's Guidance Notes on Managing Change in the Historic Environment, LDP policy Env 4 and associated supplementary guidance. The Upvc windows do not comply LDP policy Env 4, Historic Environment Scotland's guidance on Managing Change in the Historic Environment: Windows and Edinburgh's Listed Building and Conservation Area Guidance.

c) Scale, form and Design

LDP policy Des 1 (Design Quality and Context) states that planning permission will be granted for development where it is demonstrated that the proposal will create or contribute to a sense of place. Planning permission will not be granted for poor quality or inappropriate design or for proposals that would be damaging to the appearance of the area around it, especially where this has special importance.

LDP policy Des 12 (Alterations and Extensions) states that planning permission will be granted for alterations and extensions to existing buildings which in their choice of materials are compatible with the character of the existing building and will not be detrimental to neighbourhood amenity and character.

The majority of the works which have been carried out are not damaging to the appearance of the area around it and are compatible with the character of the building. They therefore comply with LDP policy Des 1 and Des 12. However, the Upvc windows are in their materials not compatible with the character of the existing building and are not in compliance with LDP policy Des 1 and Des 12.

d) Impact on residential amenity

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas), restricts developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents.

The site is located on Lanark Road. This part of Lanark road is a busy location in terms of traffic and pedestrian movement as it is a main arterial route in and out of the city. The building currently has largely commercial uses directly around it.

The entrances to the main building and outbuilding are not shared with any other residential properties. Any occupants of the buildings would therefore not come into contact with residents living nearby.

The site is not located on a quiet residential street. Instead it is located on a busy route in and out of the city and has largely non-residential uses nearby. Given the above and the self-contained nature of the site, the SCVA proposed would not result in an unacceptable impact on existing levels of residential amenity. Environmental Protection was consulted on the application and offered no objection with regards to the proposals potential impact upon amenity of nearby residents.

The proposal complies LDP Policy Hou 7.

LDP policy Des 12 (Alterations and Extensions) states that planning permission will be granted for alterations and extensions to existing buildings which will not result in an unreasonable loss of privacy or natural light to neighbouring properties.

The proposed SCVA will largely utilise the windows that already exist within the building. It is further noted that planning permission was granted for the change of use of the building to residential use under planning application 18/07895/FUL. The only new openings proposed are rooflights to the rear of the main building. These rooflights will overlook the courtyard of the application site and then the outbuilding. No material loss of privacy shall occur. The first floor of the main building to the rear has a small roof terrace. However, the raised terrace is well screened by existing non-residential buildings. The terrace does face towards a site which currently contains a studio and a garage. However, the land does have an extant consent for the formation of student housing.

The proposal complies with LDP policy Des 12 in terms of privacy.

e) Parking and Road Safety

LDP Policy Tra 2, (Private Car Parking), and LDP Policy Tra 3, (Private Cycle Parking), state that planning permission will be granted for development where proposed car and cycle parking provision complies with and does not exceed the parking levels set out in the Non-statutory Edinburgh Design Guidance.

The guidance does not define car or cycle parking standards for a SCVA. The Roads Authority was consulted as part of the assessment of the application and confirmed that it had no objections. It did advise that 12 secure cycle spaces should be constructed on the site. This has been placed as an informative. The site also benefits from easy access to nearby public transport routes.

The proposal complies with LDP Policy Tra 2 and LDP Policy Tra 3.

f) Other Material Planning Considerations

Flooding

LDP policy Env 21 (Flooding) states that planning permission will not be granted for development that would increase a flood risk or be at risk of flooding itself.

The site falls within an area which is at risk of flooding. A Flood Risk Assessment (FRA) was submitted as part of the application. The FRA was reviewed by the Councils Flood

Planning department and by the Scottish Environmental Protection Agency. No objections were raised.

The proposal complies with LDP policy Env 21.

g) Public Comments

Material Comments - Objections:

- Impact on the listed building, removal of internal fabrics, lack of information regarding materials proposed and no survey to justify the replacement of the windows. This is addressed in section 3.3 b)
- Unauthorised use - This planning application has been submitted to formalise the use.

Non Material Comments - Objections:

- The proposal is overdevelopment of the site- Space standards are not a material consideration in assessment of SCVAs.

Conclusion

The change of use to short-term holiday/commercial visitor accommodation (SCVA) is acceptable in principle in this location and provided the Upvc windows are removed and are suitably replaced, the development will not harm the special interest of the listed building. It will not result in an unreasonable loss of amenity for neighbouring residential properties or any transport concerns. The proposal complies with the adopted Local Development Plan. There are no material considerations that outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions :-

1. Notwithstanding the planning permission hereby granted, permission is not given for the UPVC windows which are currently present within the B listed building. The UPVC windows shall be removed and shall be replaced with suitable sash and case timber windows, within 6 months of the consent being granted. Details of the new timber sash and case windows shall be submitted for the approval of the Planning Authority within 2 months of the date of this consent.

Reasons:-

1. To protect the special interest of the listed building.

Informatives

It should be noted that:

1. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of 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.
2. The applicant should consider providing 12 cycle parking spaces in a secure and under cover location.

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 meets 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

Three objection comments were received. A full assessment of the matters raised can be found in section 3.3 of the main 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

Date registered 28 January 2020

Drawing numbers/Scheme 01,02,03,

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Robert McIntosh, Planning Officer
E-mail: robert.mcintosh@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

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 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

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 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.

LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

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.

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.

Managing Change in the Historic Environment: Roofs sets out Government guidance on the principles that apply to altering the roofs of listed buildings.

Managing Change in the Historic Environment: Setting sets out Government guidance on the principles that apply to developments affecting the setting of historic assets or places.

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

Application for Planning Permission 19/06157/FUL At 41 And 43 Lanark Road, Edinburgh, EH14 1TL Change of use from public house and ancillary property to form short stay commercial visitor accommodation and associated alterations (in retrospect).

Consultations

Edinburgh Airport

The proposed development has been fully examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria.

We therefore have no objection to this proposal.

Environmental Protection

The proposed development is located at 41- 43 Lanark Road in a former Public House building. Immediately to the north-east is located a vacant second-hand car dealer and vehicle repair garage. The site is current subject to a planning application to re-develop the site for student accommodation. To the south and structurally attached to the building is a former Church building. It is believed it is used for storage and distribution with office accommodation (18/09049/FUL). Further south is located the former church manse which has residential use.

To the west is located an Ironmonger shop and further west a barbers. Part of this building has applied to change the use from an office to residential accommodation. To the north on the other side of the road approximately 40m distance is located a 3-storey flatted housing development.

The studio has been operating since 7 Aug 2019, however no complaints have been received by Environmental Protection. There are no residential properties nearby that are likely to be affected by noise from the serviced apartments. Therefore, Environmental Protection has no objections to this proposal.

Roads Authority

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

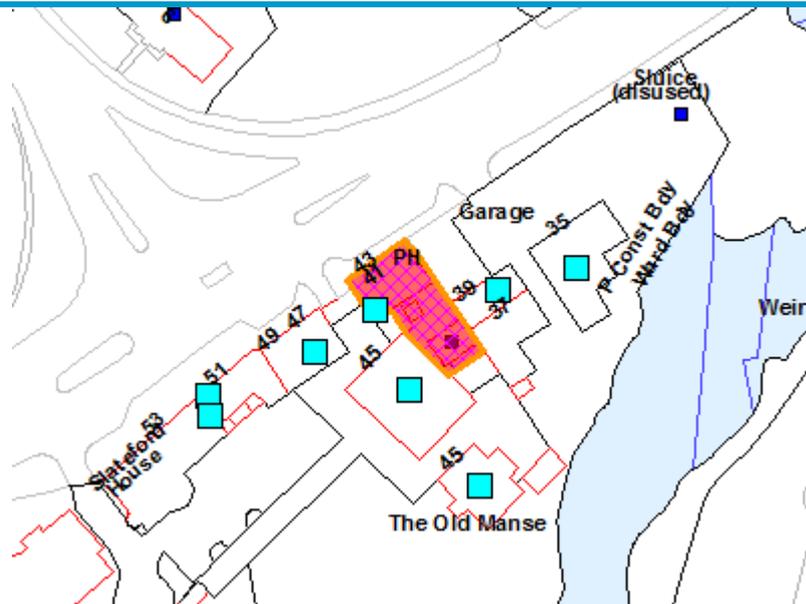
- 1. The applicant should be required to provide 12 cycle parking spaces in a secure and under cover location;*
- 2. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of public transport travel passes,*

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:

Zero car parking is considered acceptable.

Location Plan



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