

# Development Management Sub Committee

Wednesday 2 June 2021

**Application for Planning Permission 21/00750/FUL  
At 1F1 37 And 33 1F Queensferry Street, Edinburgh, EH2  
4QS**

**Change of use from offices and workshops to form two  
short term lease properties and associated alterations.**

Item number

Report number

Wards

B11 - City Centre

## Summary

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The change of use to short-term holiday/commercial visitor accommodation (SCVA) is not acceptable in principle in this location. It will result in an unacceptable loss of amenity for neighbouring residential properties. The proposal does not comply with the adopted Local Development Plan. There are no material considerations that outweigh this conclusion.

## Links

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[Policies and guidance for this application](#)

LDPP, LEN01, LEN04, LEN06, LHOU07, LTRA02, LTRA03, HES, HESINT, HESUSE, NSG, NSLBCA, OTH, CRPNEW, NSBUS,

# Report

## **Application for Planning Permission 21/00750/FUL At 1F1 37 And 33 1F Queensferry Street, Edinburgh, EH2 4QS**

**Change of use from offices and workshops to form two short term lease properties and associated alterations.**

### **Recommendations**

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1.1 It is recommended that this application be Refused for the reasons below.

### **Background**

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#### **2.1 Site description**

The application site relates to No. 37, 1F1 and No. 33, 1F, Queensferry Street, Edinburgh. These are first floor properties which have been converted into offices/workshops and are connected by an access door. They are located above commercial properties on the ground floor, with residential dwellings located above. The offices are accessed through two communal stairs, belonging to No. 37 and No. 33.

The buildings are category B listed, listed 14 December 1970, LB reference 29576.

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

#### **2.2 Site History**

18 February 2021 - Planning permission granted for the change of use from workshop (class 4) to tattoo studio (class 2) (Application number: 21/00065/FUL).

### **Main report**

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#### **3.1 Description Of The Proposal**

The application is for planning permission for the change of use from offices and workshops to form two short term lease properties, sui generis, and associated alterations.

#### **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;
- c) the proposals preserve or enhance the character and appearance of the conservation area and will not harm the Outstanding Universal Value of the defined World Heritage Site;
- d) the development raises any issues in respect of car and cycle parking; and
- e) 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).

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.

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"*.

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

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.

Recent appeal decisions 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 two first floor properties have been linked in the past with the insertion of a door in the dividing wall. It has been utilised as five offices. Directly below the offices are commercial buildings, whilst directly above the offices are residential properties.

The offices have two accesses through the communal stairs for No. 33 and No. 37. Each proposed SCVA would be accessed through its own shared communal stair.

It is acknowledged that Queensferry Street is a busy central location and residents would be accustomed to some degree of ambient noise/ disturbance from outside. However, the residential properties nearby and within these stairs are largely located on the second floor, which are isolated to a degree from the noise associated with the ground floor uses and the street traffic around. It is likely that the office accommodation is mostly used during business hours and could be relatively empty and quiet in the evening and weekends.

The change of use proposed and the use of the two stairs for the proposed SVCAs would mean that there would be direct interaction between users of the short term letting accommodation and long term residents of the surrounding residential properties.

The proposed use would enable new individuals to arrive and stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents. There is also no guarantee that guests would not come and go frequently throughout the day and night and transient visitors may have less regard for neighbours' amenity than long standing residents. Concerns raised by objectors, who live within the stair, emphasise concerns relating to buzzers being pressed for access, the noise of suitcases going up and down and visitors arriving at unsociable hours.

This would be significantly different from the ambient background noise that residents are no doubt used to. The proposed change of use could instead bring noise and disturbance directly into the stairwells and properties in which they live.

Environmental Protection have stated it cannot fully support the application due to concerns regarding the proposals potential impact upon neighbouring residential amenity.

On the balance of probability, there could be the potential for disturbance to the living conditions of neighbouring occupiers and a detrimental impact on residential amenity.

The proposal is contrary to LDP policy Hou 7 as it cannot be demonstrated that the proposal will not have a materially detrimental impact on the living conditions of nearby residents.

LDP policy Emp 9 (Employment Sites and Premises) states that proposals to redevelop employment sites or premises in the urban area for uses other than business, industry or storage will be permitted provided:

- a) the introduction of non employment uses will not prejudice or inhibit the activities of any nearby employment use;
- b) the proposal will contribute to the comprehensive regeneration and improvement of the wider area;
- c) and, if the site is larger than one hectare, the proposal includes floorspace designed to provide for a range of business users.

The office/workshop areas are relatively small and will not prejudice or inhibit the activities of any nearby employment use.

The proposal complies with LDP policy Emp 9.

## b) Impact on 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."*

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.

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

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 Council's Listed Buildings and Conservation Area guidance (LBCA) states *"Where the interior is of particular architectural or historical importance, subdivision will not be permitted. The degree of change to the plan form which may be acceptable will normally be dependent on previous alterations and use"*.

The two units have been subject to a degree of intervention when they have been converted into office use. This application proposes only relatively minor alterations to the existing non-original dividing walls and the blocking up of the non-original doorway which links the two units.

The proposal 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 HES managing Change guidance.

## c) New Town Conservation Area and World Heritage Site

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 which preserves or enhances the special character and appearance of the conservation area and which is consistent with the relevant character appraisal.

The New Town Conservation Area Character Appraisal identifies the key characteristics of this part of the New Town as:

*"The overwhelming retention of buildings in their original design form, allied to the standard format of residential buildings, contributes significantly to the character of the area. There is a standard palette of traditional building materials including blonde sandstone, timber windows and pitched slated roofs".*

There are no external alterations proposed to the building. The surrounding area is vibrant and has a large variety of different uses. The proposal complies with LDP policy Env 6 and the New Town Conservation Area Character Appraisal.

Due to the small-scale nature of the proposal, there is no requirement to assess the impact on the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site.

#### d) Transport

Policies Tra 2 (Private Car Parking) and Tra 3 (Private Cycle Parking) 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 have no objections to the proposal. The zero parking provision is acceptable and complies with the parking standards in the Edinburgh Design Guidance. The application properties are well served by public transport and are within walking or cycling distance of local amenities and many tourism venues.

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

#### e) Public comments

#### **Material Objections**

- Impact on amenity/noise and disturbance - addressed in section 3.3(a);
- Impact on privacy - addressed in section 3.3(a);
- Proposal is contrary to Hou 7 - addressed in section 3.3(a);
- Proposal is contrary to Env 6 - addressed in section 3.3(c);

## **Non-material Considerations**

- Over provision of holiday lets and impact on housing market - each application must be assessed on its own merits in accordance with the Development Plan;
- Anti-social behaviour/security - this is a matter for the police;
- Impact on values and let ability of flats - this is not a material planning consideration;

### Conclusion

The change of use to short-term holiday/commercial visitor accommodation (SCVA) is not acceptable in principle in this location. It will result in an unacceptable loss of amenity for neighbouring residential properties. The proposal does not comply with the adopted Local Development Plan. There are no material considerations that outweigh this conclusion.

It is recommended that this application be Refused for the reasons below.

### **3.4 Conditions/reasons/informatives**

#### **Conditions:-**

#### **Reasons:-**

1. The proposal is contrary to adopted Edinburgh Local Development Plan policy Hou 7 (Inappropriate Uses in Residential Areas) as it would have a detrimental effect on the living conditions of nearby residents.

#### **Informatives:-**

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **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**

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### **7.1 The sustainability impact has been assessed as follows:**

This application meets the sustainability requirements of the Edinburgh Design Guidance.

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

There is no pre-application process history.

### **8.2 Publicity summary of representations and Community Council comments**

Five 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**

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- 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** 01,02,03

Scheme 1

**David Givan**  
**Chief Planning Officer**  
PLACE  
The City of Edinburgh Council

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## **Links - Policies**

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### **Relevant Policies:**

#### **Relevant policies of the Local Development Plan.**

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

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 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.

### **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: 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.

### **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.

### **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.

**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.

# Appendix 1

## Application for Planning Permission 21/00750/FUL At 1F1 37 And 33 1F Queensferry Street , Edinburgh, EH2 4QS

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### Consultations

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#### Roads Authority

*No objections subject to the following being included as conditions and informatives as appropriate:*

*1.The applicant should consider the provision of cycle parking in a secure and undercover location*

#### Environmental Protection

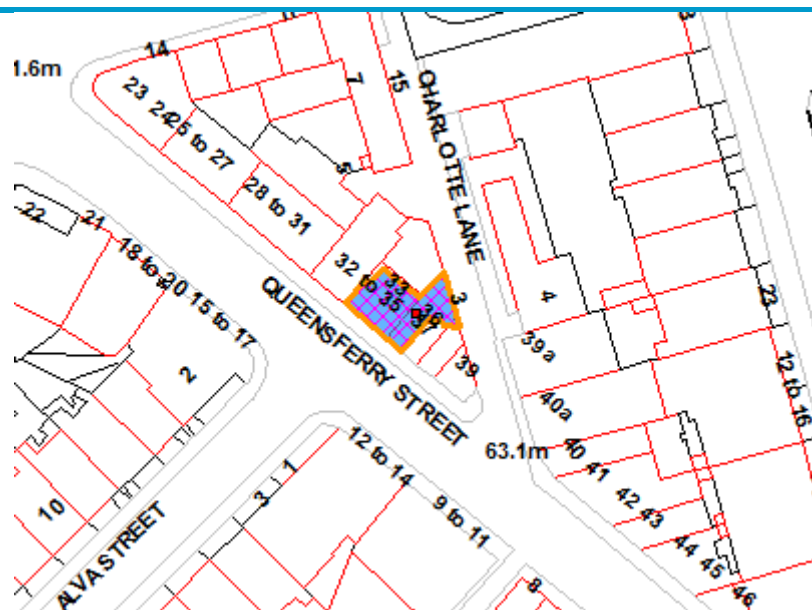
*The main issues we have with short- term lets is the impacts they can have on neighbouring residential amenity. This can be from a regular flow of visitors entering and exiting the property with suitcases. This property has a shared common stair(s) that could be a source of noise if used regularly to haul suitcases up and down. The other noise concern we have is the noise being generated by guests can vary, but nevertheless there can be guests that stay over who can cause issues with playing loud music, banging around, shouting, or making noise outside if smoking.*

*From our records there are many residential properties in the common stair and neighbouring the applicant's unit.*

*Environmental Protection have concerns with this proposal and therefore cannot fully support it.*

### Location Plan

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