

Development Management Sub Committee

Wednesday 27 October 2021

**Application for Planning Permission 21/04319/FUL
at 30 Castle Street, Edinburgh.
Proposals are for commercially managed short term let
studios. Reconfiguration of the internal layout.**

Item number

Report number

Wards

B11 - City Centre

Summary

The proposed change of use to short term letting will not adversely impact on residential amenity and will preserve the character and appearance of the conservation area. It is compatible with the mixed-use character of the area. The proposal complies with the Local Development Plan. There are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LEN04, LEN06, LHOU07, LEN01, HES, HEPS, HESINT, CRPNEW,

Report

Application for Planning Permission 21/04319/FUL at 30 Castle Street, Edinburgh. Proposals are for commercially managed short term let studios. Reconfiguration of the internal layout.

Recommendations

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

Background

2.1 Site description

The application property consists of the upper floors of a category B listed building (listing reference: LB28475). The building was built in 1792-4 and is four storey and basement, with 2 later attic floors.

The property is currently a guest house on four floors from first floor upwards. Access is from steps leading up to a front door and then stairs leading up to the floors above. The ground floor is separate and is a restaurant.

The guest house consists of several en-suite bedrooms with a shared kitchen space.

The surrounding area is largely commercial with guest houses, offices, shops, pubs and restaurants predominating. There are some residential units adjoining to the north.

The site lies within the World Heritage Site.

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

2.2 Site History

26 January 1995 - planning permission granted for proposed office and retail development (application reference: 94/62492/FUL)

30 May 1996 - planning permission granted to alter and part change of use from dwelling to dwelling & house of multiple occupation (application reference: 95/02999/FUL)

16 August 2021 - application for listed building consent submitted to reconfigure the internal layout to provide 15 studios. Each studio will have a bathroom, kitchenette and living/sleeping area (application reference: 21/04315/LBC). Application pending decision.

Main report

3.1 Description of the Proposal

It is proposed to upgrade and reconfigure the guest house to form 15 short term let managed studios. The proposals reduce the number of rooms and overall occupancy of the building from 20 bedrooms.

Externally, a non-original cupola will be upgraded, and minor service penetrations are proposed on the roof.

Internally, the works are detailed in the associated listed building consent.

Supporting documents

- supporting statement

This is available to view on the Planning Portal.

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 proposal is acceptable in principle;
- b) the proposals preserve the listed building and its setting;
- c) the proposal preserves or enhances the special character or appearance of the conservation area;

- d) the proposal impacts on the World Heritage Site and
- e) there are any transport impacts.

a) Principle of development

Policy Del 2 states that development which lies within the area of the City Centre will be permitted 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 proposals would provide improved visitor facilities in an area of the city centre which is dominated by commercial uses and other visitor attractions. It is in a highly accessible location for visitors, close to bus routes, the trams, and to the airport bus route. It complies with policy Del 2.

However, 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. There are no policies relating specifically to the control of short stay commercial visitor accommodation (SSCVA) in the current LDP.

The non-statutory Guidance for Businesses states that an assessment of a change of use of dwellings to SSCVA 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.

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

There has been a number of appeal decisions which have helped to assess whether 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 SSCVA properties, the economic benefits are a material planning consideration.

In this case, the property is currently a guest house with 20 bedrooms and the change to 15 self-catering studios will have no material impact on any nearby residential properties. The property has its own access and there is no garden ground to the front or rear.

The reduction in occupancy means there will be little change in how nearby services are used. In addition, there is no car parking so this will not change from the current situation.

The proposal complies with policies Del 2 and Hou 7.

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"

Historic Environment Scotland's (HES) Guidance Notes on Managing Change in the Historic Environment set out the principles for alterations to listed buildings including physical alterations.

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.

Externally, the main changes to the listed building are minor and do not affect any features of special interest.

Internally, the building has many good rooms with fine detailing. This will all be retained and later inappropriate partitions will be removed.

The proposal complies with LDP Policy Env 4 and Section 59 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 and HES Managing Change 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.

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.

The only external changes are an upgraded cupola and some service projections. The change of use from a guest house to a short-term holiday let will not have any material impact on the character of the conservation area. The change of use would preserve the appearance of the conservation area.

The proposal complies with LDP Policy Env 6.

d) World Heritage Site

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

The inscription reasons are set out in the Edinburgh World Heritage Site Management Plan as follows:

The Old and New Towns of Edinburgh World Heritage Site (WHS) met two criteria -

Criterion (ii) - Have exerted great influence, over a span of time or within a cultural area of the world, on developments in architecture, monumental arts, or town planning and landscape design. The successive planned extensions of the New Town, and the high quality of its architecture, set standards for Scotland and beyond, and exerted a major influence on the development of urban architecture and town planning throughout Europe, in the 18th and 19th centuries.

Criterion (iv) - Be an outstanding example of a type of building or architectural ensemble or landscape which illustrates (a) significant stage(s) in human history.

The proposals involve the change from guest house to short term lets. There will be no impact on the reasons for inscription of the WHS. It complies with policy Env 1.

e) Transport Impacts

The current use is a guest house with no provision for cars or cycles. The change to short term let studios will not change the fundamental use of the building in terms of transport impacts. The site is very well served by public transport.

There is no tram contribution applicable to short term letting.

Conclusion

The proposals comply with the Local Development Plan. The proposed change of use to short term letting will not adversely impact on residential amenity and will preserve the character and appearance of the conservation area. It is compatible with the mixed-use character of the area. There are no material considerations which 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. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. 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.
3. 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.

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

Pre-application discussions took place on this application.

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**

Urban area

Date registered

19 August 2021

Drawing numbers/Scheme

01-10,

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

Relevant Government Guidance on Historic Environment.

The Historic Environment Policy for Scotland 2019 outlines Government policy on how we should care for the historic environment when taking planning decisions.

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

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

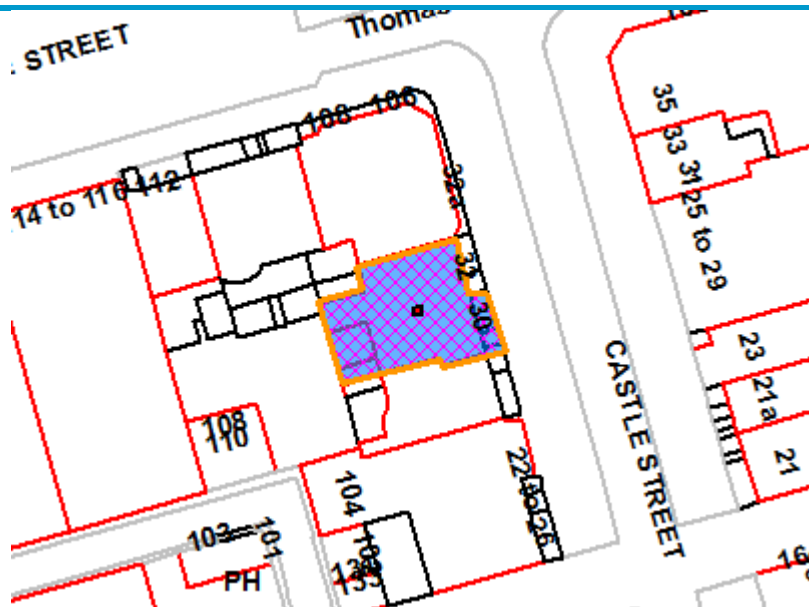
Appendix 1

**Application for Planning Permission 21/04319/FUL
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studios. Reconfiguration of the internal layout.**

Consultations

No consultations undertaken.

Location Plan



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