

Development Management Sub-Committee Report

Wednesday 15 March 2023

**Application for Planning Permission
29C Blair Street, Edinburgh, EH1 1QR.**

Proposal: Change of use from residential to short-term let visitor accommodation (sui generis). Retrospective

**Item – Committee Decision
Application Number – 22/04393/FUL
Ward – B11 - City Centre**

Reasons for Referral to Committee

Given the level of public interest in relation to the issue of short term lets, it is considered appropriate that this application be determined by Committee.

Recommendation

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

Summary

The proposal is acceptable with regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will not harm the listed building, or its setting and it will preserve or enhance the character or appearance of the conservation area.

It has not been sufficiently demonstrated that local economic benefits of the STL use outweigh the loss of the residential accommodation and therefore the proposal does not comply with NPF 4 policy 30(e) part (ii).

However, the site is located within a busy city centre location in close proximity to a number of leisure and commercial uses, including other STLs and late-night entertainment venues. This contributes to high ambient noise levels in the street during the day and at night. The proposal is acceptable with regard to residential amenity and the character of the area.

On balance, whilst the proposal does not fully comply with NPF 4 policy 30 (e) part (ii), it is recognised that there is a degree of economic benefit in STL use and in this instance, the use is compatible with the surrounding area and will not have a detrimental impact of residential amenity.

Overall, the proposal complies with the provisions of the Development Plan and there are no material considerations which outweigh this proposal.

SECTION A – Application Background

Site Description

The application site is a basement, two bedroom flat located below other private residences on the western side of Blair Street. The property has its own access to the street.

Blair Street is of mixed character, with a wide range of uses in the street, including leisure and entertainment uses, offices, public houses and residential properties. Public transport links are easily accessible from the site.

The application property is part of a category B listed building, 27-31 (Odd Nos) Blair Street (Former Stationary Works), LB28332, 29/04/1977.

The application site is in the Old Town Conservation Area, the Edinburgh World Heritage Site and the Urban Area as defined in the adopted Edinburgh Local Development Plan (LDP).

Description of the Proposal

The application is for a retrospective change of use from Residential to Short Term Let (STL) (sui-generis). No internal or external physical changes are proposed.

Supporting Information

- National Planning Framework 4 Planning Statement.
- Planning Statement

Relevant Site History

14/04924/LBC
29C Blair Street
Edinburgh
EH1 1QR

Retain the works for internal alterations involving relocation of lounge/ kitchen/ bathroom etc.

Granted

16 January 2015

22/02338/FUL
29B Blair Street
Edinburgh
EH1 1QR
Retrospective COU from residential to short-term let visitor accommodation (sui generis).
Granted
10 November 2022

Other Relevant Site History

No other relevant planning history was identified.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

No consultations undertaken.

Publicity and Public Engagement

Date of Neighbour Notification: 14 September 2022
Date of Renotification of Neighbour Notification: Not Applicable
Press Publication Date(s): 23 September 2022
Site Notices Date(s): 20 September 2022
Number of Contributors: 4

Section B - Assessment

Determining Issues

Due to the proposals relating to a listed building(s) and being within a conservation area, this report will first consider the proposals in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- a) Is there a strong presumption against granting planning permission due to the proposals:
- b)
 - (i) harming the listed building or its setting? Or
 - (ii) conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- c) If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling material considerations for not approving them?

If the proposals do not comply with the development plan, are there any compelling material considerations for approving them?

In the assessment of material considerations this report will consider:

- equalities and human rights;
- public representations and
- any other identified material considerations

Assessment

To address these determining issues, it needs to be considered whether:

a) The proposals harm the listed building or its setting?

The following HES guidance is relevant in the determination of this application:

- Managing Change in the Historic Environment: Guidance on the principles of listed buildings
- Managing Change in the Historic Environment: Setting

Managing Change in the Historic Environment: Interim Guidance on the principles of listed building consent sets out the principles for assessing the impact of a development on a listed building.

Managing Change in the Historic Environment: Setting sets out the principles that apply to developments affecting the setting of historic assets or places including listed buildings and conservation areas. It includes factors to be considered in assessing the impact of a change on the setting.

There are no external or internal alterations proposed. As such, the proposal will not have an adverse impact on or cause harm to the listed building. The setting of the listed building and the setting of neighbouring listed buildings will be unaffected by the proposal.

Conclusion in relation to the listed building

The proposal does not harm the character of the listed building, its setting, or the setting of neighbouring listed buildings. It is therefore acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) The proposals harm the character or appearance of the 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."

The Old Town Conservation Area Character Appraisal emphasises the survival of the original medieval street pattern; the wealth of important landmark buildings; the survival of an outstanding collection of archaeological remains, medieval buildings, and 17th-century town houses; the consistent and harmonious height and mass of buildings; the importance of stone as a construction material for both buildings and the public realm; the vitality and variety of different uses; and the continuing presence of a residential community.

As stated previously, there are no external changes proposed. Therefore, the impact on the character and appearance of the conservation area is acceptable.

Conclusion in relation to the conservation area

The proposals are acceptable with regard to section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

c) The proposals comply with the development plan?

The relevant NPF 4 and LDP 2016 policies to be considered are:

- NPF 4 Sustainable Places Tackling the climate and nature crises policies 1 and 7
- NPF 4 Productive Places Tourism policy 30
- LDP Housing Policy Hou 7.
- LDP Transport Policies Tra 2 and Tra 3

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering historic assets.

The non-statutory 'Guidance for Businesses' is a material consideration that is relevant when considering change of use applications.

Listed Buildings, Conservation Area and World Heritage Site

There are no external or internal works proposed and as such there will not be a significant impact on historic assets or places. The proposal complies with NPF 4 Policy 7.

Proposed Use

With regards to NPF 4 Policy 1, the proposals do not involve operational development. The proposals will have a negligible impact on the global climate and nature crisis.

NPF 4 Policy 30 seeks to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland. Criterion 30 (b) and (e) specifically relate to STL proposals.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas), seeks to protect residential amenity.

The non-statutory Guidance for Businesses states that an assessment of a change of use of dwellings to a short term let 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 term 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".

Amenity

The property has its own main door access and is located on a busy thoroughfare, with considerable pedestrian footfall and vehicle traffic passing along the street. The property is in close proximity to a number of leisure and night-time uses, including restaurants, bars, nightclubs and other STLs. This contributes to high ambient noise levels in the street during the day and at night.

There are residential properties on Blair Street, however, the property has its own access and due to the character of the area being busy and of a commercial nature, the STL use will not have a detrimental impact on neighbouring amenity or the character of the area. The STL use is acceptable with regards to neighbouring amenity and the character of the area.

The proposal complies with NPF 4 30(e) part (i) and LDP policy Hou 7.

Loss of residential accommodation

Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. The use of the property by guests and the required maintenance and upkeep of STL properties are likely to result in a level of job creation and spend within the economy which can be classed as having an economic benefit.

The applicant has provided a planning statement outlining the property as popular with visitors, as well as being of benefit to local shops, restaurants and the local economy, and noting that the application is unsuitable for long term residential occupation due to the substantial amenity impacts of the surrounding uses.

However, the use of the property as an STL would result in the loss of residential accommodation, which given the recognised need and demand for housing in Edinburgh it is important to retain, where appropriate.

Furthermore, residential occupation of the property also contributes to the economy, in terms of providing a home and the spend in relation to the use of the property as a home, including the use of local services and resultant employment, and the ability to make contributions to the local community.

In this instance, it has not been sufficiently demonstrated that the loss of the residential accommodation is outweighed by demonstrable local economic benefits. As such, the proposal does not comply with NPF 4 30(e) part (ii).

Parking Standards

There is no vehicle parking and no cycle parking. Zero parking is acceptable as there is no parking requirements for STLs. Cycles could be parked inside the property.

The proposals comply with LDP Policies Tra 2 and Tra 3.

Conclusion in relation to the Development Plan

It has not been sufficiently demonstrated that local economic benefits of the STL use outweigh the loss of the residential accommodation and therefore the proposal does not comply with NPF 4 policy 30(e) part (ii).

However, the site is located within a busy city centre location in close proximity to a number of leisure and commercial uses, including other STLs and late-night entertainment venues. This contributes to high ambient noise levels in the street during the day and at night. The proposal is acceptable with regard to amenity and the character of the area.

On balance, whilst the proposal does not fully comply with NPF 4 policy 30 (e) part (ii), it is recognised that there is a degree of economic benefit in STL use and in this instance, the use is compatible with the surrounding area and will not have a detrimental impact of residential amenity.

Overall, the proposal complies with the provisions of the Development Plan.

d) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

Emerging policy context

City Plan 2030 represents the settled will of the Council, and it has been submitted to Scottish Ministers for examination. As such, limited weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

A summary of the representations is provided below:

4 objections
0 in support
0 neutral

material considerations in support

- None.

material considerations in objection

- Loss of residential accommodation. Addressed in Section C.
- Negative impact of short term lets on communities. Addressed in Section C.
- Impact on the maintenance of a Listed Building and/or buildings in a conservation area. Addressed in Section C.
- Lack of economic benefits from STLs. Addressed in Section C.
- The application site is within the World Heritage Site. Addressed in Section C.
- Negative impact on resident amenity. Addressed in Section C.

non-material considerations

- Impact on rent inflation.
- Loss of tax income.
- Sufficient tourist accommodation elsewhere.
- Place of living of the applicant.

Conclusion in relation to other material considerations

The proposals do not raise any issues in relation to other material considerations identified.

Overall conclusion

The proposal is acceptable with regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will not harm the listed building, or its setting and it will preserve or enhance the character or appearance of the conservation area.

It has not been sufficiently demonstrated that local economic benefits of the STL use outweigh the loss of the residential accommodation and therefore the proposal does not comply with NPF 4 policy 30(e) part (ii).

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Overall, the proposal complies with the provisions of the Development Plan and there are no material considerations which outweigh this proposal.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. No conditions are attached to this consent.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - [Local Development Plan](#)

Date Registered: 2 September 2022

Drawing Numbers/Scheme

01

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

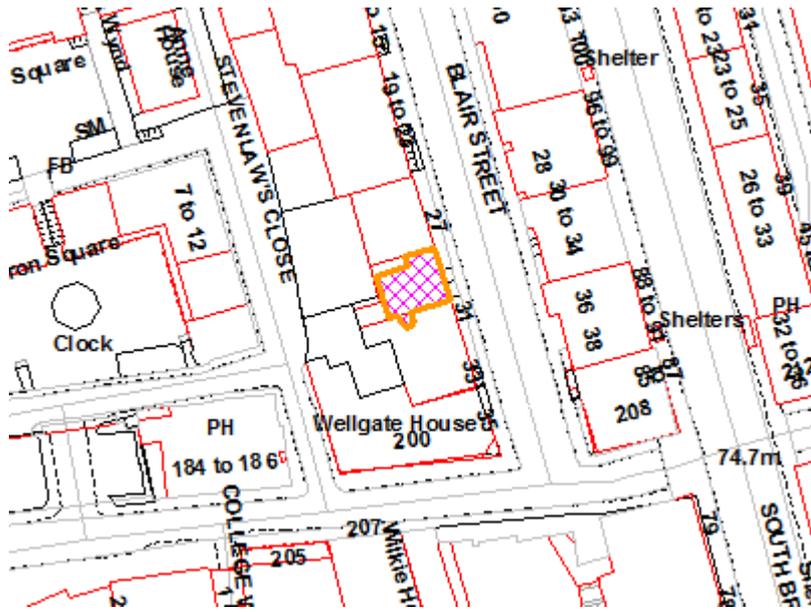
Contact: James Armstrong, Assistant Planning Officer
E-mail:james.armstrong@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

No consultations undertaken.

Location Plan



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