

Development Management Sub-Committee Report

Wednesday 10 May 2023

**Application for Planning Permission
1F 4 Thistle Street North West Lane, Edinburgh, EH2 1EA.**

Proposal: Alterations and change use from a vacant art gallery to short-term residential letting with main door access (as amended).

**Item – Local Delegated Decision
Application Number – 22/04924/FUL
Ward – B11 - City Centre**

Reasons for Referral to Committee

Given the significance of the issue of short term lets to the public interest at present, the Chief Planning Officer considers this application should be decided 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.

The proposal is acceptable with regard to impact on residential amenity and the character of the area and does not result in loss of residential accommodation. It complies with NPF 4 policy 30(e) parts(i) and (ii).

The application site is situated in the Urban Area as defined in the Local Development Plan (LDP). The proposal complies with the provisions of the Development Plan.

SECTION A – Application Background

Site Description

The application site is a two-storey mews style property at 1F4 Thistle Street North West Lane. The property is a vacant art gallery which has its own main door access off Thistle Street North West Lane. A set of steps leads up to the property on the first floor. The immediate area has a mix of uses.

This property is a Statutory B Listed Building (LB29014, dated 24.03.66)

The site lies within the New Town Conservation Area and the Old and New Towns of Edinburgh World Heritage Site.

Description of the Proposal

The application is for a change of use from a vacant art gallery to short term let (STL). The proposal is to create a first-floor studio flat by adding a shower room and a kitchen and removing bars to windows on the front elevation. The property has listed building consent to undertake external and internal alterations (22/04925/LBC).

Scheme 2. The original proposal was for a roof extension to enable formation of a duplex level apartment. This element has been removed from the proposal.

Supporting Information

Planning Statement
National Planning Framework 4 Planning Statement.

Relevant Site History

10/02223/FUL
1F 4 Thistle Street North West Lane
Edinburgh
EH2 1EA
Partial change of use to provide new gallery events space and office accommodation
Granted
3 June 2011

22/04925/LBC
1F 4 Thistle Street North West Lane
Edinburgh
EH2 1EA
Alteration and change use from a vacant art gallery to short-term residential letting with main door access (as amended).
Granted
30 January 2023

Other Relevant Site History

No other relevant planning site history.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

No consultations undertaken.

Publicity and Public Engagement

Date of Neighbour Notification: 10 October 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 14 October 2022

Site Notices Date(s): 11 October 2022

Number of Contributors: 3

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:
 - (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?

- b) 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) Compliance with Planning Legislation on Listed Buildings and Conservation Areas

Setting of Listed Buildings

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 document 'Managing Change in the Historic Environment - Setting' states;

"Setting' is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced."

The document states that where development is proposed it is important to:

- *" identify the historic assets that might be affected;*
- *define the setting of each historic asset and*
- *assess the impact of any new development on this"*.

To enable the delivery of the short term let use, the proposal includes the addition of a shower room and a kitchen (internal) and the removal of all bars to windows on the front elevation (external). These proposals 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 harms neither the listed building or its setting. It is therefore acceptable with regard to Sections 59 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997.

b) The proposals harm the character or appearance of the conservation area?

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 proposed external changes at the property are detailed above. The impact on the appearance of the conservation area is acceptable. In terms of the character of the conservation area, the proposal will provide accommodation for tourists and individuals visiting the city, within an area of mixed use. The proposal will not have a negative impact on the character of the conservation area.

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?

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4. The relevant policies to be considered are:

- NPF4 Sustainable Places Policies 1 and 7.
- NPF4 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' (2023) is a material consideration that is relevant when considering change of use applications.

Listed Building, Conservation Area and World Heritage Site

The proposed external and internal works to the property are acceptable and there will not be a significant impact on historic assets and 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 (2023) 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.

Amenity

The applicant has provided a planning statement listing the criteria which confirms that the proposed STL use will cause no harm to the neighbouring amenity. These are:- no residential use in the building, private entrance, no shared external amenity areas, small studio apartment and high ambient noise levels.

The application property has its own main door access and there is no garden ground to the front and rear. The character of Thistle Street North West Lane, although in the heart of the city centre is relatively quiet. The main uses in the lane are rear accesses for retail units and restaurants on Thistle Street, garages and offices. All surrounding uses are commercial, and the ground floor of the application property is vacant. Commercial uses have the potential to attract a lot of delivery vans throughout the day therefore ambient noise levels can be high at times. The nearest residential properties to the application site are flats within the main building of 25 Thistle Street. These flats take their access of Thistle Street, and their windows are higher than the application property. Consequently, introducing an STL use in this part of North West Thistle Street Lane would not have a materially detrimental impact on the living conditions of nearby residents. The proposal is also introducing a use for a vacant property in the centre of the city. 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

The planning statement describes the commercial character of the surrounding area and confirms there will be no loss of residential accommodation as the application property has never been used for residential purposes. It has always been in commercial use most recently as an art gallery.

The application property has never been used for residential purposes therefore there is no loss of residential accommodation. Consequently, the proposal complies with NPF 4 30(e) part (ii).

Parking Standards

There is no off street car parking available within the site however there is a limited amount of metered on street parking available nearby. The site is highly accessible by public transport. There is no cycle parking standards for STLs. Bikes could be parked within the property if required. The proposals comply with LDP Policies Tra 2 and Tra 3.

Conclusion in relation to the Development Plan

The proposal is acceptable with regard to impact on residential amenity and the character of the area and does not result in loss of residential accommodation. It complies with NPF 4 policy 30(e) parts(i) and (ii).

The application site is situated in the Urban Area as defined in the LDP. 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

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little 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:

material objection

- the additional storey with box dormer on front elevation is not in keeping with character of the area. The application has been amended to remove this element.

material support

- utilising long term vacant property for visitor accommodation. Addressed in c) above.
- will support local economy. Addressed in c) above.

Conclusion in relation to identified 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.

The proposal is acceptable with regard to impact on residential amenity and the character of the area and does not result in loss of residential accommodation. It complies with NPF 4 policy 30(e) parts(i) and (ii).

The application site is situated in the Urban Area as defined in the LDP. The proposal complies with the provisions of the Development Plan.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 10 October 2022

Drawing Numbers/Scheme

01,02,03B

Scheme 2

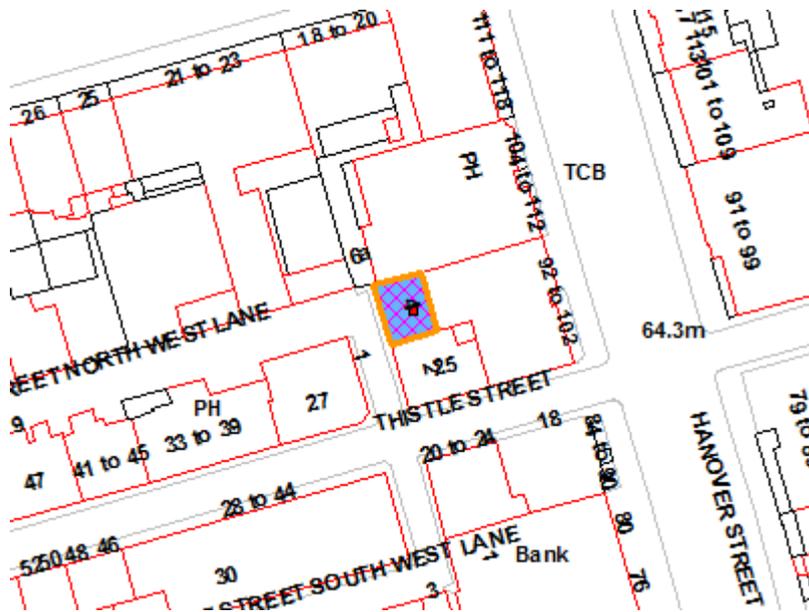
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Summary of Consultation Responses

No consultations undertaken.

Location Plan



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