

Development Management Sub-Committee Report

Wednesday 25 October 2023

**Application for Planning Permission STL
101 Rose Street South Lane, Edinburgh, EH2 3JG.**

Proposal: Internal alterations and proposed change of use from Class 4 offices to three one-bed short term let units.

**Item – Committee Decision
Application Number – 23/03613/FULSTL
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 the Development Management Sub-Committee.

Recommendation

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

Summary

The proposal is acceptable with regard to Sections 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as 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) and LDP policy Hou 7.

The proposal complies with the provisions of the Development Plan.

SECTION A – Application Background

Site Description

The application property comprises a four-storey office building accessed via a door entrance on Rose Street South Lane.

At the ground floor level there is no office accommodation. The property has small offices across the first, second, and third floor of the building. The offices are accessed via a stairwell that provides no access to any other units.

The property is located in a mixed-use area, that is predominantly commercial. The property is located adjacent to Rose Street, which is characterised by a range of commercial uses including bars and restaurants.

The application site is located within the City Centre, The New Town Conservation Area and Edinburgh's World Heritage Site

Description of the Proposal

The application is for a change of use from Class 4 offices to three, one-bed short term let units. Internal alterations proposed include the blocking of existing doors, creation of new door openings and the creation of new partitions to accommodate the STL operation. There are no external alterations proposed.

Supporting Information

A planning statement was submitted in support of the application.

This is available to view on the Planning and Building Standards Online Service.

Relevant Site History

03/01021/FUL

101 Rose Street Lane South

Edinburgh

EH2 3JG

Change of use to private residential dwellings and internal alterations. Installation of metal railings and gate

Refused

10 October 2003

Other Relevant Site History

10/02386/FUL

103 Rose Street Lane North

Edinburgh

EH2 3DX

Change of use from office to residential

Refused

11 November 2010

Pre-Application process

There is no pre-application process history.

Consultation Engagement

No consultations undertaken.

Publicity and Public Engagement

Date of Neighbour Notification: 18 August 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 25 August 2023

Site Notices Date(s): 22 August 2023

Number of Contributors: 1

Section B - Assessment

Determining Issues

Due to the proposed development falling within a conservation area, this report will first consider the proposals in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- 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 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 New Town Conservation Area Character Appraisal states that it represents a planned urban concept of European significance with an overriding character of Georgian formality. Stone built terrace houses and tenements, built to the highest standards, overlook communal private gardens; to the rear are lanes with mews buildings, many of which are now in housing use. The importance of the area lies in the formal plan layout of buildings, streets, mews and gardens and in the quality of the buildings themselves.

There are no external changes proposed. The change of use from offices to three short term let units 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.

Conclusion in relation to the conservation area

The proposals do not harm the conservation area. Therefore, it is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) 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 Policy 1.
- NPF4 Historic Assets and Places Policy 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.

Conservation Area and Edinburgh World Heritage Site

There are no external alterations proposed. The proposed change of use from offices to three short term let units will not have 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 proposal is acceptable as it promotes the conservation and recycling of an existing asset and supports compact urban growth. 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 (e) specifically relates 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 application property is accessed by a door entrance on Rose Street South Lane.

The nearest residential property is approximately 7 metres to the west at 11 Castle Street and approximately 15 metres north at 114 Rose Street South Lane.

The surrounding area is predominantly commercial in character with high levels of pedestrian activity. The property is in close proximity to a range of other commercial uses, including bars and restaurants on Rose Street and serviced accommodation directly north of the property at 103 Rose Street South Lane. The commercial uses in the surrounding area are of a nature that contribute to high ambient noise levels during the daytime and nighttime.

As a result, an STL use in this location will not have a significant detrimental impact on the amenity or character of the surrounding area.

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

Loss of residential accommodation:

The current lawful use of the application property is office use. Therefore, NPF4 policy 30 e part (ii) is not applicable to this application.

Parking Standards

There is no parking available at the property. Cycles could be parked inside the property.

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

Previous Planning Decisions

The application property was refused planning permission in 2003 (reference 03/01021/FUL) for a change of use to private residential dwellings. It was considered the proposal would fail to provide adequate level of daylighting, privacy and give rise to potential noise nuisance concerns that would have a detrimental impact upon the residential amenity of prospective occupiers.

Additionally, the neighbouring property at 103 Rose Street South Lane was refused planning permission in 2010 (reference 10/02386/FUL) for a change of use from office to residential. It was considered the introduction of further residential uses into this city centre location is likely to give rise to amenity issues in relation to noise.

These previous planning decisions demonstrate that a residential use raises issues of amenity in this location.

Conclusion in relation to the Development Plan

The proposal is acceptable with regard to impact on the character of the area and will not result in loss of residential accommodation. It complies with LDP Policy Hou 7 and NPF 4 policy 30 (e).

The proposal complies with the provisions of the Development Plan.

c) 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:

One support comment.

material considerations

- Improve the appearance of the property.

non-material considerations

- Street requires a refurbishment. This is not a material planning consideration.
- Bins and rubbish in the area. This is a matter for waste services.

Conclusion in relation to identified material considerations

Identified material considerations have been assessed above and do not raise issues which outweigh the conclusion in relation to the development plan.

Overall conclusion

The proposal is acceptable with regard to Sections 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve or enhance the character or appearance of the Conservation Area.

The proposal is acceptable with regard to the impact on amenity and the character of the area and does not result in loss of residential accommodation. It complies with NPF 4 policy 30(e) and LDP policy Hou 7.

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 August 2023

Drawing Numbers/Scheme

01 - 02

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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Appendix 1

Summary of Consultation Responses

No consultations undertaken.

Location Plan



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