

Development Management Sub-Committee Report

Wednesday 22 November 2023

**Application for Planning Permission STL
34 St Stephen Street, Edinburgh, EH3 5AL**

Proposal: Change of use from twin shop unit to two short term let properties.

**Item – Committee Decision
Application Number – 23/00823/FULSTL
Ward – B05 - Inverleith**

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.

The site is situated in a mixed-use area in immediate proximity to a number of commercial uses, including bars with nighttime activity. The proposal is acceptable with regard to amenity and the character of the area given the positioning of the STLs and the adjacent uses acting as a buffer. The proposed use is compatible with the Stockbridge Town Centre.

The proposal complies with the provisions of the National Planning Framework and the Development Plan including policy Ret 9 as the development supports the vitality and viability of the town centre, and NPF 4 policy 30 (e) as the development will not have a detrimental impact of residential amenity.

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

SECTION A – Application Background

Site Description

The application site is a vacant commercial shop unit situated on the eastern side of St Stephen Street at lower ground level and has its own access not shared with any other properties. The site forms part of a larger traditional tenement style building comprising commercial units at lower and upper ground floor levels and residential properties above on the first and second floors.

The property is category B listed (LB29748) designated on the 14/12/1970. It is situated within the New Town Conservation Area and World Heritage Site.

The site is located within the Stockbridge Town Centre as identified within the Edinburgh Local Development Plan (2016) (LDP). The surrounding area consists of commercial uses such as retail, restaurants, and bars, with residential properties predominantly at first and second floor levels.

Description of The Proposal

The application proposes to sub-divide and change the use of the property from one commercial shop unit to two short term let units. The existing windows and doors are to be replaced with timber slimline double-glazed units.

Supporting Information

- Design Statement

Relevant Site History

No relevant site history.

Other Relevant Site History

The proposal is associated with an application for a Listed Building Consent (23/00825/LBC).

Pre-Application process

There is no pre-application process history.

Consultation Engagement

No consultations undertaken.

Publicity and Public Engagement

Date of Neighbour Notification: 14 March 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 24 March 2023

Site Notices Date(s): 21 March 2023

Number of Contributors: 1

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) 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.

Impact on Listed Building

The existing windows and doors are in poor condition. The proposals include the replacement of the windows and doors with timber, slimline double-glazed units which match the existing design. The material and design are in-keeping with the listed building.

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 New Town Conservation 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 replacement windows and doors are in-keeping with the character and appearance of the conservation area. The proposed use will not affect the character or appearance of the conservation area.

The proposals will preserve the character and appearance 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.

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

- NPF 4 Sustainable Places policies 1 and 7
- NPF 4 Productive Places Tourism policy 30
- LDP Housing Policy Hou 7.
- LDP Design Policy Des 12.
- LDP Transport Policies Tra 2 and Tra 3
- LDP Retail Policy Ret 9

The non-statutory 'Guidance for Businesses' (updated 2023) is a material consideration that is relevant when considering change of use applications.

The non-statutory 'Supplementary guidance for Stockbridge Town Centre' (2017) is a material consideration that are relevant when considering LDP policy Ret 9.

The non-statutory 'Listed Building and Conservation Area' guidance and 'Guidance for Householders' are material considerations that are relevant when considering NPF4 Policy 7 and LDP policy Des 12.

Listed Buildings, Conservation Area, and World Heritage Site

The impact of the proposals on the listed buildings and conservation area has been assessed above in section a) above. The changes proposed maintain the existing natural and built features that contribute to the character of the conservation area and world heritage site.

There will be no significant impact on historic assets or places. The proposal therefore complies with NPF 4 Policy 7.

Design, form, and neighbourhood character

The replacement windows and doors are in-keeping with the existing building and surrounding neighbourhood. The proposal complies with LDP policy Des 12.

Proposed Use

With regards to NPF 4 Policy 1, the proposals are 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 (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 (updated April 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 property has its own access not shared with any other properties and is situated within a mixed-use area with both commercial and residential uses. The immediate area at lower and upper ground levels are occupied by a mix of commercial units. Adjacent to, and above the property, are two bars resulting in late night activity.

The property's location at basement level below another commercial unit attenuates noise as the upper ground floor commercial use acts as a buffer between the short term let and the residential properties above. Furthermore, there are no shared accesses or spaces with residential properties.

The property is located within an area of St Stephen Street which experiences a reasonable level of activity associated with its mixed-use commercial activity, including late night uses. The STL use in this location is compatible with the area and will not lead to further deterioration in neighbouring amenity.

The use of the property as a short term let will not have a materially detrimental effect on the living conditions of nearby residents. The proposal complies with NPF 4 30(e) part (i) and LDP policy Hou 7.

Loss of residential accommodation

The proposal does not involve the loss of residential accommodation. Therefore, NPF4 Policy 30 (e) part (ii) is not applicable.

Alternative Use of Shop Units in Defined Centres

The proposed site is located within the Stockbridge Town Centre; however, it is not a primary frontage. The supplementary guidance for Stockbridge Town Centre states that alternative uses of shop units elsewhere in the town centre will be permitted provided it is an appropriate commercial, community or leisure use which would complement the character of the centre, support the main shopping function, and would not be detrimental to its vitality and viability. The change of use would result in visitor accommodation which would support the vitality and viability of the town centre.

The proposal complies with LDP policy Ret 9.

Parking Standards

Zero parking is acceptable as there are 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

The property is located within an area of St Stephen Street which experiences a reasonable level of activity associated with its mixed-use commercial activity, including late night uses. The STL use in this location is compatible with the area and will not lead to further deterioration in neighbouring amenity.

The change of use will not significantly impact on residential amenity within the immediate area and the proposed use is compatible with character of the surrounding area and the Stockbridge Town Centre. The proposal complies with NPF 4 policy 30 (e) part (i) and LDP policy Ret 9.

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

The application received one public representation objecting to the proposal.

material considerations in objection

- A change of use would lead to a loss of housing. Discussed within section c).
- A change of use would lead to detrimental effect on residential amenity. Discussed within section c).
- Objections to the detrimental impact on historical elements. Discussed within a) and b).

Conclusion in relation to other material considerations

The proposals do not raise any issues in relation to other material considerations identified which outweigh the conclusion in relation to the development plan.

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 site is situated in a mixed-use area in immediate proximity to a number of commercial uses, including bars with nighttime activity. The proposal is acceptable with regard to amenity and the character of the area given the positioning of the STLs and the adjacent uses acting as a buffer. The proposed use is compatible with the Stockbridge Town Centre.

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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.

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: 27 February 2023

Drawing Numbers/Scheme

01, 02 A - 04 A

Scheme 1

