

# Development Management Sub-Committee Report

**Wednesday 1 May 2024**

**Application for Listed Building Consent  
3 John's Place, Edinburgh, EH6 7EL.**

**Proposal: Internal alterations to form Class 7 hotel (as amended).**

**Item – Committee Decision  
Application Number – 23/07500/LBC  
Ward – B13 - Leith**

## **Reasons for Referral to Committee**

This application has been referred to the Development Management Sub Committee for determination as it relates to listed building consent for works requiring committee determination under application 24/00021/FUL.

### **Recommendation**

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

### **Summary**

The proposals have insufficient special regard to the desirability of preserving the building and will adversely impact on its special architectural and historic interest. The proposals will preserve the character and appearance of the conservation area. The proposals fail to comply with regards to Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. There are no material considerations that outweigh this conclusion.

## **SECTION A – Application Background**

### **Site Description**

The application site is a mid-terraced 4 storey traditional townhouse, overlooking Leith Links currently in Class 4 office use. The property is Category B listed (ref 27540 14/12/1970) and is located in the Leith Conservation Area.

The surrounding area is mixed in character with residential properties on either side of the application site, and a commercial car garage to the rear accessed on Johns Lane.

## **Description of the Proposals**

The application proposes a change of use from an existing Class 4 office to a Class 7 hotel. A total of 16 en-suite bedrooms are proposed along with a laundry room, reception and storage.

Various internal alterations are proposed associated with the change of use. These include new full height partitions to form en suites within existing rooms, new podded en-suite formed within principal rooms, down takings, new partition walls and blocking up existing doorways.

A revised scheme has been submitted which shows clarity on the heights of new internal partitions proposed. However, there is little detail on plan to show how these new features will be serviced including extract and ventilation and the impact that this may have on existing features of historical interest in the property.

## **Relevant Site History**

24/00021/FUL  
3 John's Place  
South Leith  
Edinburgh

Change of use from Class 4 offices to Class 7 hotel (as amended).

## **Other Relevant Site History**

No additional history.

## **Pre-Application process**

There is no pre-application process history.

## **Consultation Engagement**

Refer to Appendix 1 for a summary of the consultation response.

## **Publicity and Public Engagement**

**Date of Neighbour Notification:** Not Applicable

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 19 January 2024

**Site Notices Date(s):** 16 January 2024

**Number of Contributors:** 2

## Section B - Assessment

### Determining Issues

Due to the proposals relating to a listed building(s) within a conservation area, this application for listed building consent requires to be assessed against Sections 14 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- Having due regard to HES Policy and guidance, do the proposals:
  - a. harm a listed building or its setting? or
  - b. conflict with the objective of preserving or enhancing the character or appearance of the conservation area?
- If the proposals do comply with HES Policy and guidance, are there any compelling reasons (including but not limited to the public sector equality duty) for not approving them?
- If the proposals do not comply with HES Policy and guidance, are there any compelling reasons (including but not limited to the public sector equality duty) for approving them?

### 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 - Interiors
- Managing Change - Use and Adaptation of Listed Buildings

### **Impact on Listed Building**

The proposal will make alterations to both the plan form and decorative schemes within the existing building. Within the principal rooms to the front of the property the proposals involve the framing out and blocking up of existing fireplaces to accommodate new bed positions. Also, throughout the building new en-suite bathrooms are proposed, including podded bathrooms within principal rooms.

Managing change - Interiors states *"room proportions are important to the integrity of a design. The size and height of a room is normally carefully proportioned to suit its historic function. For example, the size and arrangement of a principal space such as a dining or drawing room normally contrasts with the less formal or less elaborate 'private' spaces, such as bedrooms"*.

Non statutory Listed Building and Conservation Area guidance states *"podded kitchens and bathrooms will rarely be permitted in principal rooms but may be permitted elsewhere provided they are of a limited area, are freestanding and do not have a detrimental effect on any fixtures of architectural interest."*

The guidance also states, "*new kitchens and bathrooms should be located at the rear of a building to prevent fittings being built across windows to the front of a property and to avoid cluttering a front elevation with downpipes and ventilators*".

The proposed alterations to rear rooms, and those on the basement and second floor level are acceptable on the basis that they will have a limited impact on historic features.

However, the plan form of principal rooms at first floor level will be lost through the erection of new podded partition walls to form en-suite bathrooms within these spaces.

The drawings also fail to show how servicing including duct work and ventilation will impact on the historic fabric. The proposals will have a detrimental impact on historical architectural features and will obstruct views of existing cornice in principal rooms and will therefore adversely impact on the special architectural and historic interest of the listed building.

### **Conclusion in relation to the listed building**

The proposal will have an adverse impact on the special architectural or historic interest of the listed building and fails to comply with Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

#### **b) The proposals impact on the character or appearance of the conservation area?**

The works are wholly internal and will have no impact on the character and appearance of the conservation area.

### **Conclusion in relation to the conservation area**

The proposal has regard to the desirability of preserving or enhancing the character or appearance of the conservation area. The proposal is acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

#### **c) there are any other matters to consider?**

The following matters have been identified for consideration:

### **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**

Two objections have been submitted, including one from the Leith Links Community Council.

### *material considerations*

- Concealment of fireplace in bedroom 10;
- No investigation of historic fabric behind lowered ceilings.

### *non-material considerations*

- Lack of design statement or structural condition report.

## **Overall conclusion**

The proposals have insufficient special regard to the desirability of preserving the building and will adversely impact on its special architectural and historic interest. The proposals will preserve the character and appearance of the conservation area. The proposals fail to comply with regards to Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. There are no material considerations that outweigh this conclusion.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

### **Reasons**

#### **Reason for Refusal: -**

1. The proposals will have a detrimental impact on historical architectural features and will obstruct views of existing cornice in principle rooms and will therefore adversely impact on the special architectural and historic interest of the listed building. The proposals fail to comply with Section 14 of the Planning (Listed Buildings and Conservation Areas) (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: 8 January 2024**

## **Drawing Numbers/Scheme**

01, 02A, 03A, 04A, 05, 06, 07A, 08A, 09, 10

Scheme 2

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

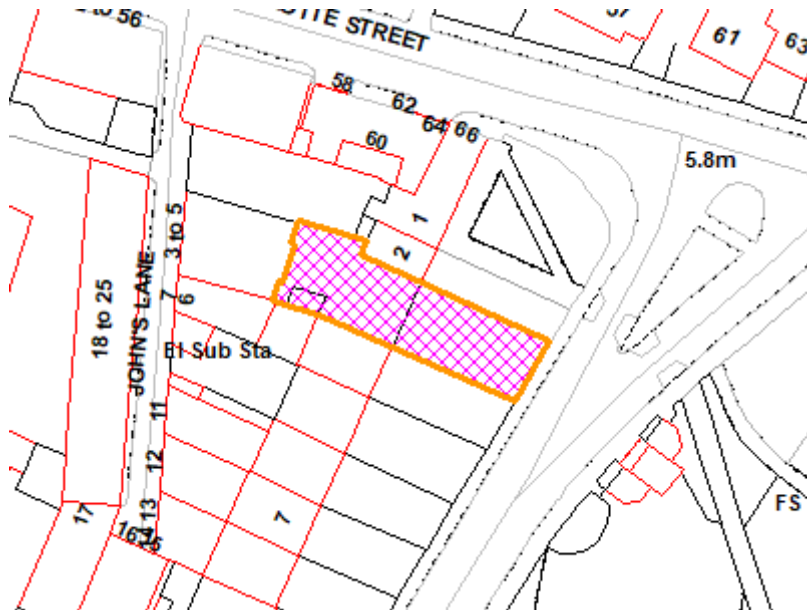
Contact: Rachel Webster, Planning Officer  
E-mail: [rachel.webster@edinburgh.gov.uk](mailto:rachel.webster@edinburgh.gov.uk)

## Appendix 1

### Summary of Consultation Responses

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

### Location Plan



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