

Development Management Sub-Committee Report

Wednesday 29 May 2024

Application for Planning Permission STL
1 Queen Charlotte Lane, Edinburgh, EH6 6BL

Proposal: Proposed change of use from office space (Class 4) to short term let accommodation (Sui Generis).

Item – Committee Decision
Application Number – 24/01048/FULSTL
Ward – B13 - Leith

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because it has received 21 comments in support, and the application is being recommended for refusal. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub Committee.

Recommendation

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

Summary

The proposal complies with Sections 59 and 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 and does not harm the character of the listed building, its setting, or the setting of neighbouring listed buildings.

The change of use of the office space to STL accommodation will have an unacceptable impact on neighbouring amenity. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) part (i) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

SECTION A – Application Background

Site Description

The application site relates to part of a three-storey building block and is on the corner of Queen Charlotte Street and Queen Charlotte Lane. The site is currently in use as Class 4 office space and has a private main door entrance on Queen Charlotte Lane.

The surrounding area includes a mix of commercial and residential uses. The immediate surrounding uses on Queen Charlotte Lane and Queen Charlotte Street include residential flats, office units, a café, professional services, and a nursery.

The most immediate residential uses in proximity to the site include residential flats at 28 Queen Charlotte Street, with the communal main door entrance for these flats adjoining the sites eastern boundary, and residential flats at 23 and 25 Queen Charlotte Street, which are directly north of the application site on the other side of the road.

The application site is well served by public transport. Constitution Street forms part of the tram network. The site sits between The Shore and Foot of the Walk Tram Stops. There is also access to the bus network within reasonable walking distance, including bus stops at The Shore and Foot of the Walk.

The application site forms part of a category B listed building (LB reference: 27871: date of listing: 14 December 1970) and is within the Leith Conservation Area of Edinburgh.

Description of the Proposal

The application seeks planning permission for the change of use from office space (Class 4) to STL accommodation (Sui Generis). The proposal includes the formation of two STL units with associated internal alterations to the listed building.

Unit 1 will include floor space at ground and first floor levels with a kitchen and living room on the ground floor and three bedrooms on the first floor. Unit 2 will include floor space at ground and first floor levels with two bedrooms on the ground floor and two bedrooms and a kitchen/living room on the first floor. The basement space of the application site will remain as existing.

The scheme also proposes external fittings on the roof fronting Queen Charlotte Lane with the installation of flues and the addition of an extraction fan on the rear elevation.

Access to the two units will be from the existing door entrance at 1 Queen Charlotte Lane. This access will be shared between the two proposed units only. There will be no external amenity area available to occupiers of the STL flats.

Supporting Information

The applicant has provided a design statement and a planning statement.

Relevant Site History

24/01049/LBC

1 Queen Charlotte Lane

Edinburgh

EH6 6BL

Minor internal alterations to suit proposed change of use from office space (Class 4) to short term let accommodation (Sui Generis).

Granted

6 May 2024

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: 8 March 2024

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 15 March 2024

Site Notices Date(s): 12 March 2024

Number of Contributors: 22

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: Interiors
- Managing Change in the Historic Environment: Roofs

The areas of remaining architectural interest inside of the building are the corner rooms at ground floor (the former shop from 1900) and first floor (the office from 1805).

Internal alterations

The proposed internal alterations include alterations to the floor plan, retention and restoration/repair of cornicing and cast of new cornicing to match existing where partitions are proposed.

External alterations to the roof and rear elevation

The proposed external alterations include the instillation of three flues on the sites flat roofed section and two extraction vents on the rear elevation. These external alterations are minimal and in discrete locations on the building.

Conclusion in relation to the listed building

The proposal will not have a detrimental impact on the special architectural or historic interest of the listed building, its setting, or the setting of neighbouring listed buildings.

The proposal is acceptable with regards 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 Leith Conservation Area Character Appraisal emphasises the area's unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities, and the importance of the Water of Leith and Leith Links for their natural heritage, open space, and recreational value.

The proposed external alterations to the building are in discreet locations on the site and as a result will preserve 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) 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 Tackling the climate and nature crises Policy 1.
- NPF4 Sustainable Places 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 NPF 4 Policy 7.

The non-statutory 'Guidance for Businesses' (2024) is a material consideration that is relevant when considering change of use applications.

Listed Buildings and Conservation Area

Impact to the listed building and the Leith Conservation Area have been assessed in sections a) and b) respectively.

The proposal complies with NPF 4 Policy 7.

Proposed Use

With regards to NPF 4 Policy 1, the operational development proposed is of a scale that its impacts are not significant when considering the climate and nature crises. The proposals will therefore 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.

Amenity:

There is a mix of commercial and residential uses within the surrounding area. The site is located approximately 30 metres to the west of Queen Charlotte Streets crossroad with Constitution Street. The ambient noise level and level of activity in the immediate mixed-use area surrounding the site, on Queen Charlotte Street and Queen Charlotte Lane, is comparatively lower than surrounding parts along Constitution Street which comprises established commercial uses in the evening and going into the night.

In the immediate surrounding area, there is a moderate degree of activity during the daytime with commercial uses including offices, professional services, and a nursery. During pick up and drop off times at the nursery there is a notable change in vehicular and pedestrian activity and ambient noise level in the immediate area. During the evening and at night there is a low level of vehicular and pedestrian activity and ambient noise in the immediate area. As such, there is an expected level of amenity for residents in immediate proximity to the site, particularly during the evening and at night time.

The proposed site comprises of two STL flats accessed via a shared main door entrance at street level on Queen Charlotte Lane. This access will serve no other property. The proposal is for STL accommodation which comprises of a three double bedroomed flat and a four double bedroomed flat. It would be expected that this arrangement would allow for the site to host up to 14 guests at any given time.

As such, the proposed STL accommodation will have less of an impact on neighbouring residential amenity than in instances where STL uses are accessed via a communal main entrance, hallway, and stairwell alongside neighbouring residential uses. That being said, the size of the proposed STL flats will enable a large number of guests to arrive and stay at the premises for a short period of time on a regular basis throughout the year. There is no guarantee that guests would not come and go frequently throughout the day and night, and transient visitors may have limited regard for neighbours' amenity.

Accordingly, the change of use of the site from existing office space to STL accommodation will result in a significant change in the ambient background noise during the evening and at night in the immediate surrounding area. This will have a significantly detrimental effect on the living conditions and amenity enjoyed by residents located in close proximity to the site.

The proposal does not comply with NPF 4 policy 30(e) part (i) and LDP policy Hou 7.

Transport

There is no off-street car parking available within the site. The site is accessible by public transport. Bikes could be parked inside of the accommodation units.

The proposal complies with policies Tra 2 and Tra 3.

Conclusion in relation to the Development Plan

The change of use of the office space to STL accommodation will have an unacceptable impact on neighbouring amenity. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) part (i) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

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

The following material planning considerations have been identified:

Emerging policy context

On 5 April 2024, the Planning and Environmental Appeals Division published its report into the examination of the Proposed City Plan 2030 and supporting documents in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. The Council is currently considering the recommendations and modifications required to the Proposed City Plan 2030. It is the intention that the modifications will be considered by the Council before the end of June 2024. At this time in the context of the consideration of this particular application limited weight can be given to the relevant policies of City Plan 2030 until the proposed modifications have been fully considered.

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.

Other benefits of the proposal

Comments made in support of the application outlined that the property is vacant and that the reuse of the historic building for STL purposes is a positive development due to the fact that it will restore and enhance the listed building, support local businesses in the area, and provide additional tourist accommodation for the area.

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.

Whilst it is recognised that the proposed STL use will restore the listed building and provide benefit for tourism in Edinburgh and for local businesses, this does not outweigh the unacceptable amenity impact it will have on nearby residents.

Public representations

22 representations have been received with 21 support comments and 1 objection comment. A summary of the representations is provided below:

Support Comments:

material considerations

- Mix of different uses within the surrounding area and in a noisy location. Addressed in section c).
- The proposal will preserve the character of the area. Addressed in section b) and c).
- The property is accessible by public transport. Addressed in section c).
- Restoration and enhancement of the listed building interior. Addressed in section a).
- No negative impact on listed building or conservation area they are located within. Addressed in sections a) and b) respectively.
- Great initiative that will restore and enhance the listed building, benefit local businesses, and provide additional accommodation options for tourists visiting the area. Addressed in section d) - Other benefits of the proposal.

non-material considerations

- A hotel and STL property has recently been granted permission on Constitution Street. Each application is assessed on individual merit.

Objection comment:

non-material considerations

- In need of longer term private rented accommodation in the area rather than STLs. The application is for STL use and must be considered on this basis.
- It could be put to better use with plans proposed adapted to private rented accommodation designed for long-term residency. The application is for STL use and must be considered on this basis.

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 complies with Sections 59 and 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 and does not harm the character of the listed building, its setting, or the setting of neighbouring listed buildings.

The change of use of the office space to STL accommodation will have an unacceptable impact on neighbouring amenity. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) part (i) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions

Reasons

Reason for Refusal: -

1. The proposal is contrary to National Planning Framework Policy 30(e) part (i) in respect of Local Amenity, as the use of the site for STL accommodation will result in an adverse impact on local amenity.
2. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of the site for STL accommodation will have a materially detrimental effect on the living conditions and amenity of nearby residents.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 7 March 2024

Drawing Numbers/Scheme

01 - 04

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

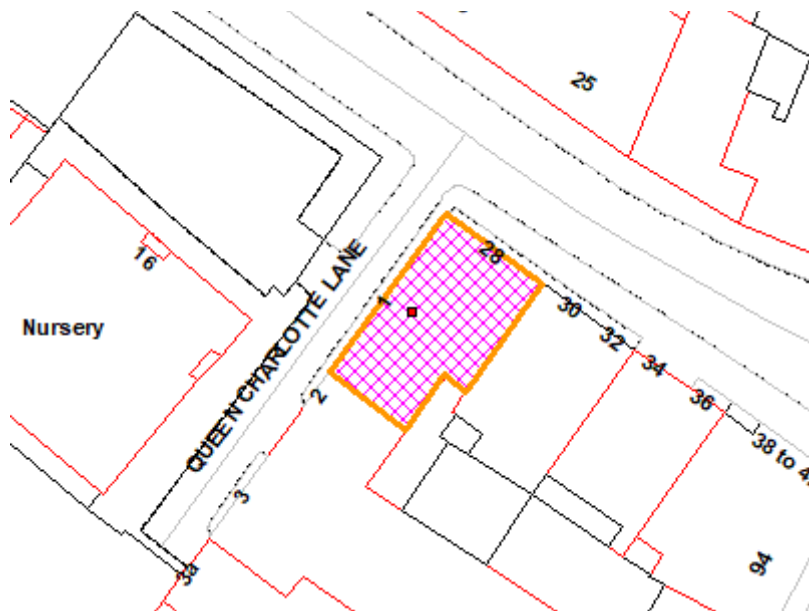
Contact: Craig Turnbull, Assistant Planning Officer
E-mail: craig.turnbull@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

No consultations undertaken.

Location Plan



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