

Johnston - Harris Architects.
31 The Shore
Edinburgh
EH6 6QN

K & S Mir Ltd.
8 John's Place
Edinburgh
EH6 7EL

Decision date: 23 January 2024

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Alter an existing guest house at 9 John's Place, change the use of and extend adjacent buildings at 15, 16 and 17 John's Lane from disused garage to guest house and interconnect with 9 John's Place.

At 9 John's Place & 15, 16 & 17 John's Lane Edinburgh EH6 7EL

Application No: 23/02622/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 27 June 2023, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

Reason for Refusal:-

1. The works to the listed building would compromise its character contrary to NPF4 Policy 7.
2. The intensification of use would prejudice neighbouring amenity contrary to LDP Policy Des12.
3. The placing of windows on the western boundary prejudice the redevelopment of that site contrary to LDP Policy Des 2.

4. The absence of cycle parking is contrary to NPF4 Policy 13 and LDP Policy Tra
- 3.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 1-10, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The proposals have an adverse impact on the character of the listed building and are not acceptable with regards to Sections 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposed works cause a loss of privacy to the neighbouring site to the west and prejudice the future development of that site, and are in not in accordance with the Local Development Plan and NPF4 policies.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Stephen Dickson directly at stephen.dickson@edinburgh.gov.uk.



Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at www.eplanning.scot or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email localreviewbody@edinburgh.gov.uk.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Report of Handling

Application for Planning Permission

9 John's Place & 15, 16 & 17 John's Lane, Edinburgh, EH6 7EL

Proposal: Alter an existing guest house at 9 John's Place, change the use of and extend adjacent buildings at 15, 16 and 17 John's Lane from disused garage to guest house an interconnect with 9 John's Place.

Item – Local Delegated Decision

Application Number – 23/02622/FUL

Ward – B13 - Leith

Recommendation

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

Summary

The proposals have an adverse impact on the character of the listed building and are not acceptable with regards to Sections 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposed works cause a loss of privacy to the neighbouring site to the west and prejudice the future development of that site, and are in not in accordance with the Local Development Plan and NPF4 policies.

SECTION A – Application Background

Site Description

The property comprises two parts: firstly, a mid-terraced Georgian townhouse, dating from 1825; secondly, a mid-20th century commercial property facing onto John's Lane. The Georgian terrace is of unusual layout, facing over long front gardens onto Leith Links, but with very limited rear garden areas. The terrace was listed category B on 14.12.1970 ref.27540 and lies in the Leith Conservation Area.

Description Of The Proposal

The application proposes the adaption and enlargement of the unlisted rear structure on John's Lane and connection to the listed building by means of a bridge at ground floor level (one level above the rear garden level).

This rear extension will provide 37 additional bedrooms linking to the main building.

Physical alteration involves the creation of multiple new window openings in the rear structure, including openings on the west boundary and also includes the first floor bridge link between the main building and the building on the lane.

Supporting Information

None

Relevant Site History

23/02623/LBC

9 John's Place & 15, 16 & 17 John's Lane

Edinburgh

EH6 7EL

Alter an existing guest house at 9 John's Place, change the use of and extend adjacent buildings at 15, 16 and 17 John's Lane from disused garage to guest house and interconnect with 9 John's Place.

Refused

30 August 2023

16/05977/FUL

9, 10 John's Place

Edinburgh

EH6 7EL

Internal alterations of existing HMO at 10 John's Place and change of use from office and alterations of no.9 John's Place to form HMO guesthouse. Proposed connection between properties at ground floor level.

Granted

23 January 2017

Other Relevant Site History

No other relevant site history.

Consultation Engagement

Roads Authority

City Archaeologist

Leith Links Community Council

Publicity and Public Engagement

Date of Neighbour Notification: 23 January 2024

Date of Advertisement: 7 July 2023

Date of Site Notice: 7 July 2023

Number of Contributors: 12

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 proposal harms the character of the listed building?

The following HES guidance is relevant in the determination of this application:

- Managing Change - External Features on Listed Buildings

The internal alterations to the main building have already been refused listed building consent, but these do not require planning permission. However, the raised ground bridge link is also unacceptable in its impact on the listed building, and this element does require planning permission.

Whilst a garden level link may be acceptable, the high level bridge link impacts on the principal ground floor level. It is noted that the rear elevation is relatively intact and preserves its early 19th century appearance. The high level bridge link is unacceptable due to its impact on the character of the listed building.

Conclusion in relation to the listed building

The works have an adverse impact on the character of the listed building and are not acceptable in regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

The rear element is a conversion of the existing industrial structure.

The bulk of the proposal is hidden from public view and the works are only visible from John's Lane to the rear. The works have no significant impact on the appearance of the conservation area.

Conclusion in relation to the conservation area

The proposals will not result in harm to the character or appearance of the conservation area and 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 Policy 1
- NPF4 Policy 7
- NPF Policy 13
- LDP Design Policies Des 2 and Des 12
- LDP Transport Policies Tra 2 and Tra 3
- LDP Infrastructure Policy Del 1

The non-statutory 'Listed Building and Conservation Area' guidance is a material consideration. The Edinburgh Design Guidance and the Council's 'Guidance for Householders' considers the impact on neighbouring amenity.

Impact on the listed buildings and conservation area

The impact on the listed building and conservation area has been assessed in sections a) and b) and the impact on the listed building character is not acceptable.

The proposals therefore do not comply with NPF4 Policy 7.

Scale, Form and Design

The envelope of the rear building is broadly unaltered but alterations are made in relation to several new windows and doors. The aesthetic impact of alterations to the existing structure is not significant.

However, the new bridge link, although in a concealed location, is unacceptable in terms of its impact on the listed building (see above).

Use/Extension of Use

Although the applicant claims "existing guest house use", there is no record of such a use being authorised. The approved use of the main building is as a large HMO.

This is noted, but the assessment of either of these uses is similar. The increase in bedroom spaces by 37 rooms would be a substantial increase and would give rise to a likely loss of amenity to neighbours due to the increased activity.

Impact on Neighbouring Amenity/Prejudice to Development Rights

The LDP Policy Des 12 and Edinburgh Design Guidance and 'Guidance for Householders' considers issues relating to privacy and daylight. As the envelope remains the same there is no impact on daylight.

LDP Policy Des 2 considers potential prejudice to as yet undeveloped sites. The works include creation of multiple new windows on the western boundary. These would derive all of their amenity from this neighbouring land and would prejudice privacy on that land. The area is currently brownfield land but has a consent for housing. The placing of windows on the boundary prejudice development rights on the land contrary to LDP Policy Des 2 and if the already consented works were executed then privacy would be compromised contrary to LDP Policy Des12 and the principles of the Edinburgh Design Guidance and Guidance for Householders.

Archaeology

The rear building lies on the line of the Old Town Wall of Leith and the site is of archaeological interest. An archaeological condition would be appropriate, were the application to be approved.

This would address the policy issues of NPF4 Policy 7 relating to archaeology.

Parking/ Tram Contribution

NPF policy 13 considers issues relating to transport. LDP Policies Tra 2 and Tra 3 consider car parking and cycle parking (respectively). LDP Policy Del 1 considers infrastructure requirements such as tram contributions.

The site lies in very close proximity to the Edinburgh Tram (around 50m) and the use on Johns Lane would attract a tram contribution if the application were approved.

The site provides no car parking, which is acceptable in this location. However, the proposal also provides no cycle parking, which is both possible here and required by policy. If the application were approved, details of cycle storage would be required.

Climate and Nature Crisis

Policy 1 of NPF 4 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions.

The proposal has no impact on ground coverage and no impact in relation to climate change. NPF4 Policy 1 is met.

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

A summary of the 17 representations is provided below:

material considerations

Impact on the listed building and conservation area.
Increase in occupancy numbers will impact on neighbouring amenity.

Conclusion in relation to other matters considered

The material issues raised are assessed above.

Overall conclusion

The proposals have an adverse impact on the character of the listed building and are not acceptable with regards to Sections 59 of the Planning (Listed Buildings and

Conservation Areas) (Scotland) Act 1997. The proposed works cause a loss of privacy to the neighbouring site to the west and prejudice the future development of that site, and are in not in accordance with the Local Development Plan and NPF4 policies. There are no material considerations which outweigh this conclusion and the proposal is unacceptable for this reason.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reason for Refusal

1. The works to the listed building would compromise its character contrary to NPF4 Policy 7.
2. The intensification of use would prejudice neighbouring amenity contrary to LDP Policy Des12.
3. The placing of windows on the western boundary prejudice the redevelopment of that site contrary to LDP Policy Des 2.
4. The absence of cycle parking is contrary to NPF4 Policy 13 and LDP Policy Tra 3.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 27 June 2023

Drawing Numbers/Scheme

1-10

Scheme 1

**David Givan
Chief Planning Officer
PLACE**

The City of Edinburgh Council

Contact: Stephen Dickson, Senior planning officer
E-mail: stephen.dickson@edinburgh.gov.uk

Appendix 1

Consultations

NAME: Roads Authority
COMMENT: No response
DATE:

NAME: City Archaeologist
COMMENT: The scheme should be refused as it will have a significant detrimental impact on archaeological remains on the Johns Lane section of the site.
DATE:

NAME: Leith Links Community Council
COMMENT: Raised strong objection in relation to the impact of the intensification of use on both neighbours and the wider community.
DATE:

The full consultation response can be viewed on the Planning & Building Standards Portal.

Appendix 2

Application Certification Record

Case Officer

I have assessed the application against the City of Edinburgh Council's Scheme of Delegation (2023) Appendix 6 – Chief Planning Officer and the Statutory Scheme of Delegation (2023) and can confirm the application is suitable to be determined under Local Delegated Decision, decision-making route.

Case Officer: Stephen Dickson

Date: 13 December 2023

Authorising Officer

To be completed by an officer as authorised by the Chief Planning Officer to determined applications under delegated powers.

I can confirm that I have checked the Report of Handling and agree the recommendation by the case officer.

Authorising Officer (mRTPI): Sonia Macdonald

Date: 23 January 2024

Comments for Planning Application 23/02622/FUL

Application Summary

Application Number: 23/02622/FUL

Address: 9 John's Place & 15, 16 & 17 John's Lane Edinburgh EH6 7EL

Proposal: Alter an existing guest house at 9 John's Place, change the use of and extend adjacent buildings at 15, 16 and 17 John's Lane from disused garage to guest house an interconnect with 9 John's Place.

Case Officer: Local1 Team

Customer Details

Name: Mr Alex Law

Address: 54 queen Charlotte street Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: There are enough bed sits or guest houses as they call them, this area does not need any more, and the fact we all know who will be occupying them goes to say, we have no on street parking as it is and at the bottom of Johnson lane is asking for trouble.

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Case Officer: Local1 Team

Customer Details

Name: Mr Spas Yanev

Address: 3-5 Johns Lane Edinburgh

Comment Details

Commenter Type: Neighbour-Commercial

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: In our area there is already too many guest house's, I've already had 2 cases of people vandalising my property. Am worried that if more guests houses are opened in our area, that my property could continue to get further vandalised which will end up hurting my business. Our whole area is covered in cigarettes and empty bottles lying on the ground particularly around these guest houses, if more guest houses are opened this will only increase it.

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Case Officer: Local1 Team

Customer Details

Name: Marshall Bain

Address: 56a Queen Charlotte Street Edinburgh

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: These changes are not for a guest house but are HMO's. This is part of part of a private business who have already saturated the area with adults with drug and alcohol addictions.

The area Cannot sustain further developments of this sort.

The residents have opposed these

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Case Officer: Local1 Team

Customer Details

Name: Marshall Bain

Address: 56a Queen Charlotte Street Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Further comments.

Residents and residents Associations have opposed these changes over a number of years but further application are still made under the guise of a guest house.

The area has deteriorated over the past years with break ins, vandalism, prostitution and is not safe at night for older people and residents.

This cannot be allowed to happen to a residential area with a primary school within walking distance.

Comments for Planning Application 23/02622/FUL

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Case Officer: Local1 Team

Customer Details

Name: Mrs Anne Wallace

Address: 91 Constitution Street Edinburgh

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: My flat widows and French doors are in line with roofs of the proposed demolition of buildings.

I am extremely concerned that due to the age of the buildings Asbestos could be present within the roof structures and dust particles will be released into the atmosphere and therefore into my flat and all 15 others in my Building.

We observed the roof removal by this same company owner of the property in St Johns Lane adjacent to our Building which boundary line borders onto our private car park and this was done in a most unsafe manner. In fact the demolition operatives narrowly escaped injury from falling roof timbers.

Consequently I am extremely concerned by how the demolition will proceed as their past works have been undertaken without due health and safety provisions.

Will the results of any Asbestos survey be given to surrounding Properties?

Comments for Planning Application 23/02622/FUL

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Case Officer: Local1 Team

Customer Details

Name: Mrs Anne Wallace

Address: 91 Constitution Street Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: My flat widows and French doors are in line with roofs of the proposed demolition of buildings.

I am extremely concerned that due to the age of the buildings Asbestos could be present within the roof structures and dust particles will be released into the atmosphere and therefore into my flat and all 15 others in my Building.

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Case Officer: Stephen Dickson

Customer Details

Name: Ms Elizabeth Chesman

Address: 45/1 Maritime Street Edinburgh

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Over populated area already.

Comments for Planning Application 23/02622/FUL

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Case Officer: Stephen Dickson

Customer Details

Name: Mrs Janis McDougall

Address: Flat 8 31 Poplar lane Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We have enough of these units as it is beer cans, hanging about in street selling stuff not what we need another homeless unit and we are paying for this with our taxes as the money he receives in benefit rent

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Case Officer: Stephen Dickson

Customer Details

Name: Miss Lara Macmillan

Address: Flat 7 1 Ocean Way, Edinburgh

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: For many reasons, I strongly object to this proposal.

The applicant already runs a number of properties in the immediate area
Most seem to be used to supply low quality housing for homeless people.

I feel that Leith already has too many of these "establishments".

It is clearly detrimental to local residents.

Leith Links is supposed to be a hub for families and individuals to be able to relax and enjoy their surroundings, without fear of intimidation. It is one of the few green spaces available in a built-up area.

I used to live adjacent to another of their properties on Leith Links and I can honestly say that it was a nightmare, and a big reason why we decided to move.

We lived beside constant drinking, evidence of drug taking and people generally hanging around being intimidating. It was clear that the whole atmosphere was encouraging others to the area too. Our flat was on the ground floor and truthfully, I was genuinely frightened at all times that we were going to be burgled.

There is already a huge proportion of this sort of "temporary" accommodation in Leith. Far higher, I am sure, than people living in the New Town or the West End would be expected to live beside.

This is a Conservation Area and should be treated with respect.

In addition, these proposals will harm the special character of the listed building and will neither preserve nor enhance the character of the conservation area.

It will also be detrimental to the number of cafes and restaurants that are here. It is obviously going to deter people from sitting outside enjoying the fresh air.

For these reasons, I strongly object to this proposal.

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Case Officer: Stephen Dickson

Customer Details

Name: Mrs Valerie Macmillan

Address: Flat 20 1 Ocean Way Edinburgh

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Please please leave the last piece of peace and harmony in Leith i.e. area and including Leith Links.

We have all had enough of total chaos in Leith over the last number of years and many people are totally fed up with Leith being used by Councils , allowing permission for Closed Roads, Busses just being stopped ie Number 22 .

I strongly object.

Valerie Macmillan.

Comments for Planning Application 23/02622/FUL

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Case Officer: Stephen Dickson

Customer Details

Name: Ms Rhona Alcorn

Address: 69 Constitution Street Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: There is already an overprovision of this type of accommodation in this area and I appeal to the planning committee to reject this application to ensure a balanced and safe community for local residents.

There are already multiple properties within a very small area of the Leith ward used for temporary/homeless accommodation. Most (if not all) of these properties are owned by K & S Mir Ltd (trading as Cameron Guest House Group and/or its associate companies). These properties are situated along Constitution St, around the west end of Leith Links park, at Hermitage Place, on Links Gardens, John's Place, John's Lane, and Constitution St. The company has already been granted permission to develop yet further properties, e.g. at 111 Constitution St (ref 19/05184/FUL) and to increase the number of rooms at 130 Constitution St (ref 21/06434/FUL) and awaits a decision on its application to extend its homeless hostel at 57 Constitution St (ref 22/06169/FUL).

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Case Officer: Stephen Dickson

Customer Details

Name: Mrs Karen Greig

Address: 96-98 Constitution Street Leith Edinburgh

Comment Details

Commenter Type: Neighbour-Commercial

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Guest House is hardly what you can call these short term flats that you cannot swing a cat in, to house anti-social members of the public. In no way would anyone choose to book a room at these guest houses! The area is already polluted by the owners/developer of these properties. Leith Links has extremely high amount of this type of property, it does not need any more. Leith needs affordable housing, not more anti social behaviour from their residents, who do not contribute to the community, their presence is intimidatating, the residents steal from local shops, shout and drink in groups in the links/bowling green area, urinate in the street - enough is enough. Edinburgh City Council has put 207 million transport system into improving Leith, making it more of a destination as there are so many historical buildings, this proposal is not what the community wants for Leith.

The developer does not engage with the community, he allows buildings to go into disrepair does not respect the concerns of Edin CC/John Lawson and Historic Environment Scotland. These building should not be used for this use.

This developer has tried numerous times and the feeling of the community is still the same - no to this proposal.

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Case Officer: Stephen Dickson

Customer Details

Name: Rami Okasha

Address: 138/1 Constitution Street, Edinburgh Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This application breaches council planning policies in relation to housing density, parking, cycle storage, amenity, and noise impact. It also is inconsistent with the conservation area plan and the presumption against change of use of commercially viable sites to dense, poor quality housing.

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Case Officer: Stephen Dickson

Customer Details

Name: CC Andrew Mackenzie

Address: 101 Constitution Street Leith Edinburgh

Comment Details

Commenter Type: Community Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Leith Links Community Council has requested to be a statutory consultee on this case - so it will be decided by committee (DMSC) and not under delegation to planning officials - and hereby OBJECTS.

This applicant/owner group already owns a large number of properties fringing this site - along John's Place and through John's Lane into their Latto's garage site at 111-115 Constitution St and beyond to 130 Constitution St - which are all seemingly destined for temporary/homeless accommodation of basic grade and scale, and dense concentration.

Permissions are in place for more than 70 new small residential units across these sites, but their redevelopment has for the most part yet to commence.

The group's other 'guest house' properties already operating multiple-unit temporary accommodation in this small area of the Leith Conservation Area include the old GPO at 57 Constitution St and the Abbot's House Hotel at Links Place.

The existing portfolio of the applicant group's establishments around Leith Links, much used over many years by Edinburgh city council, already pushes the level of such temporary accommodation to a point that the city council itself has long acknowledged to have reached 'overprovision' status in Leith, and certainly in this particular part of the Conservation Area.

We think this should be in the foreground of the committee's thinking when it comes for them to determine the case, and we will strongly petition for them to make a site visit to gain a clearer

understanding of what exactly is happening here, and what the issues are.

It would be useful, when it comes to the determination of this case, to know how many HMO licences exist in the area, and how many temporary accommodation units/beds there already are.

The inevitable over-densification of temporary guest house/hostel accommodation demanded by this application is seen locally as a real risk to the safety and stability of what has been and remains a vibrant, socially and ethnically diverse, substantially calm and cohesive neighbourhood.

We believe that were this application to be granted, this balance would be further upset, and we urge the committee to reject it.

We can't see any variation in this latest application to the original applications for the same site - 22/01291/FUL and 22/01290/LBC - which were 'withdrawn' but only after they had been variously marked down, confusingly, as 'minded to grant' and 'refused' within a 24-hour period of the planning portal's Decision Issued Date of Wednesday 12 April 2023.

What was and is going on?

We note the concerns and issues raised by the city archaeologist John Lawson and by Historic Environment Scotland regarding these applications, to which due weight should be given.

We trust that planning officials will give chapter and verse on everything that is wrong with this application, in a technical and regulatory sense (eg Hou7).

And we would emphasise the baseline reasons for refusal:

Effects on future occupier amenity

These densely packed, exceptionally small bedroom units tell their own story.

Effects on neighbour amenity

Surely beyond doubt, given the proposal will lead to a further destabilising increase of the transient population in and around the area, and further unsustainable densification of such accommodation provision. Do we really want a ghetto between the tram stops at Foot of the Walk and The Shore?

The proposals:

- a) Represent overdevelopment;
- b) Are inconsistent with preserving listed buildings;
- c) Are inconsistent with and fail to protect the character of the conservation area that the buildings are situated in.
- d) Are defective - particularly from a Listed Building Consent perspective - in not providing any design statement.

If the city council allows further development and expansion of this business, and others operating similarly in the local area, it alters the balance of accommodation in the local area away from residential uses. The council's Local Development Plan includes the following statement in relation to policy HOU7 which should surely apply to this application:

Developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted.

'The intention of the policy is firstly, to preclude the introduction or intensification of non-residential uses incompatible with predominantly residential areas and secondly, to prevent any further deterioration in living conditions in more mixed use areas which nevertheless have important residential functions.'

If HOU7 means anything the Council should be refusing the expansion of this and other non-residential establishments within the Leith Links area.

1. The proposal is contrary to the Local Development Plan Policy Env 4 in respect of 'Listed Buildings - Alterations and Extensions', as the proposal is not justified, will diminish the buildings' interest and do unnecessary damage to the historic structure.
2. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of 'Conservation Areas - Development', as the proposals will neither preserve nor enhance the character of the conservation area.
3. The proposals are contrary to non-statutory guidance on Listed Buildings and Conservation Areas as the proposals will detract from and alter the character of the listed building.

In short, please, just say no, enough is enough.

Leith Links Community Council

Memorandum

To Head of Planning
City of Edinburgh Council
Planning and Transport
Place
Waverley Court
4 East Market Street
Edinburgh
EH8 8BG

F.A.O Stephen Dickson

From John A Lawson

Date 29th August 2023

Your ref 23/02622/FUL &
23/02623/LBC
Our ref 23/02622/FUL &
23/02623/LBC

Dear Stephen,

9 John's Place & 15, 16 & 17 John's Lane

Further to your consultation request I would like to make the following comments and recommendations regarding this planning application alter an existing guest house at 9 John's Place, change the use of and extend adjacent buildings at 15, 16 and 17 John's Lane from disused garage to guest house an interconnect with 9 John's Place.

The site lies on the eastern limits of the medieval port and town of Leith facing onto Leith Links and comprises three historic buildings: B-listed 9 John's Place and No 15-16 John's Lane and No17 Johns Lane. Historically the site overlies the line of the Port's major defences first constructed in the mid-16th century to defend the town during the English Siege of 1559-60 and later remodelled in the 1640's during the Civil War. In particular, the site overlies the site of a central bastion of the 17th century defences as reflected in the alignment of the later John's Lane.

Historic mapping shows that the defences were slighted during the mid-17th century but were still visible in the landscape into the 18th century. With the industrial growth of the port in the later 18th century the line of the defences was gradually developed for commercial and housing. The B- Listed 9 John Place built around 1825, is an important Georgian town house with map evidence indicating that it along with No10 were the last in a phase of a row of townhouses (stared prior to 1817 see fig 1) constructed overlooking Leith Links Park. The oldest building on the site is the unlisted No 15-16 Johns Lane, a former probable warehouse constructed between 1804 and 1817, first appearing on Kirkwood's Map of 1817. The last building No17 is much latter, though it is likely to retain elements of earlier 19th century buildings recorded on the OS maps from 1849.

Accordingly, this application must be considered under terms of Scottish Government's Our Place in Time (OPIT), NPF4 Policy 7, PAN 02/2011, HES's Historic Environment Policy for Scotland (HEPS) 2019 and CEC's and Edinburgh Local Development Plan (2016) Policies ENV 2, ENV 4, ENV 5, ENV 6, ENV 8 & ENV 9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative

Director of Culture, Culture and Wellbeing, Place

City of Edinburgh Council Archaeology Service, Museum of Edinburgh, 142 Canongate, Edinburgh, EH8 8DD
Tel 0131 558 1040; 07775587516; john.lawson@edinburgh.gov.uk

Historic Buildings: 9 John's Place and 15-16 & 17 John's Lane

The proposals will see significant alterations to the B-listed Georgian Townhouse at No.9 John's Place along with potential substantial demolition of the unlisted but historic early-19th century former warehouse formed by 15-16 John's Lane and No 17 John's Lane

From HES's response it is clear that the proposed alterations to 9 John's Place are likely to have a significant impact upon the surviving historic fabric of this building, and it essential that all significant architectural elements are retained and detailed plans showing how these features are to be retained and conserved must be submitted for approval. **Failure to do so should be considered contra to Policy ENV4 and permission refused.**

The applicants have not produced detailed elevations and plans detailing the scale of potential loss/demolition to the Georgian building at 15-16 John's Lane. Given the nature of the development and similarities to the previous 2022 scheme (22/01291/FUL), it is likely that this new application will require the same level of demolition to this building. Although unlisted this probable former 19th century warehouse is regarded as being of local archaeological and historic interest, being an important survivor of Leith's commercial maritime and industrial past. Indeed, the structure forms part of an important local group of Georgian and Victorian warehousing on John's Lane and adjacent Constitution Street. These buildings contribute significantly to the character of Leith's Conservation Area, providing an important glimpse and surviving fragment into this era of Leith's history.

As such, this scheme is **regarded as contra to Policies NPF4 Policy 7 and should be refused permission on archaeological and heritage grounds.**

If permission and consents are granted by the planning authority it is essential that detailed historic building surveys are undertaken prior to and during demolition/strip out works of all buildings on this site. This required recording will include detailed surveyed elevations, dendrochronological assessment and analysis, phased plans, combined with photographic and written surveys and archival research to provide an accurate and permanent record of these historic buildings.

Buried Remains

The development will require significant groundbreaking works (e.g. internal and external demolitions, construction, new services) which could reveal archaeological important evidence relating to the town's 16-17th century town defences underlying the site and medieval town. Accordingly, it is recommended that if permission is granted that a programme of archaeological excavations is undertaken prior to and during development in order to fully excavate and record any significant remains which may be impacted upon.

Public Engagement & Interpretation

It is further recommended that as part of any agreed programme of archaeological works that a programme of public/community engagement is undertaken during development and that the history of the site is incorporated with the final design. The full the scope of which will be agreed with CECAS but could include social media/press comms and temporary interpretation boards during development.

If permission is granted it is recommended that the above programme of works should be secured by the following condition.

'No demolition/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation public engagement, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

Yours faithfully



John A Lawson
(Archaeology Officer)



Fig 1: Kirkwood's Map of 1817, showing newly constructed (post Ainslie's 1804 map) John's Lane and probable warehouse No 15-16 John's Lane at its southern End. No9 & No 10 John's Place yet to be built (c.1825)

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