

Development Management Sub Committee

Report returning to Committee - Wednesday 9 January 2019

Application for Planning Permission 18/07251/FUL At 4 Mayfield Gardens, Edinburgh, EH9 2BU Proposed change of use from a 7 bedroom guesthouse with ancillary private living quarters to a 13 bed 15 person HMO with associated works (as amended).

Item number	5.1
Report number	
Wards	B15 - Southside/Newington

Recommendations

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

Background information

The Committee decided at their meeting on 5 December 2018 to continue the application for further consideration on the intensification of the proposed use and further details on cycle parking.

Main report

In terms of the cycle parking, amended plans have been received and the roads authority is now satisfied that these are acceptable.

In a report to the Planning Committee on 12 December 2018 on the scheme of delegation, paragraph 3.13 set out the Planning Service's common interpretation of "intensification of use".

This states "*The intensification of a use may constitute a material change of use, but only in circumstances where the intensification is so great as to affect the definable character of the land and of its use*".

In this particular case, the application is for a change of use from guest house to HMO so there is no intensification of the current use. As stated in the original report of handling, the determining factor is whether the proposal complies with policy Hou 7 on Inappropriate Uses in Residential Areas. Neither the policy nor the non-statutory Guidance for Business give any further indication of when such changes of use might be acceptable so the case must be determined on the basis of the intention of policy Hou 7 which is 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."*

Mayfield Gardens is part of the A701, the main road leading south out of the city and it has a mixed character with guest houses and residential properties lining this main road. The current guest house use can accommodate up to 17 guests and guest house use is typically high activity with a frequent turnover of guests. HMO use for 15 people would generate less activity as the residents will typically be long term renters with less turnover than guest house use. There is therefore no evidence it would cause a deterioration in living conditions in this mixed use area and so policy Hou 7 is complied with.

There is a concern from objectors that approving this HMO would increase the number of HMOs in the area to an unacceptable level. However, in planning terms there is no evidence to back this up. Since 1995, there have been only 29 planning applications for change of use to HMO in the EH9 area. It should be noted that whilst there may be more HMO licences approved, if the property has 5 or less unrelated people living in the property, the planning unit remains classified as residential and no change of use is required. In addition, there is no policy basis to restrict HMOs which are an important part of the range of living accommodation available in the city.

In conclusion, HMO use is acceptable in this location and complies with LDP policy Hou 7. There are no material considerations which would outweigh this conclusion.

Links

Policies and guidance for this application

LDPP, LEN06, LHOU07, LTRA02, LTRA03, NSG, NSLBCA, NSBUS, OTH, CRPCMP,

A copy of the original Committee report can be found in the list of documents at

<https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=PEU6D7EWK0U00>

Or [Council Papers online](#)

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