

Planning Committee

10.00am, Thursday 7 August 2014

Short Stay Commercial Leisure Apartments – Six Monthly Update

Item number	6.1
Report number	Routine
Executive/routine	
Wards	All

Executive summary

In 2013, the Planning Committee agreed to make changes to its non-statutory 'Guidance for Businesses', in order to make specific reference to the issue of short stay commercial leisure apartments – so called 'party flats'. In agreeing the changes, the Committee asked for a report back every six months. This report provides an update on the Council's current position following the last report submitted in December 2013.

Links

Coalition pledges	P28
Council outcomes	CO8 CO16 CO19
Single Outcome Agreement	SO1 SO4

Short Stay Commercial Leisure Apartments – Six Monthly Update

Recommendations

- 1.1 It is recommended that the Committee notes the current position in respect of action by the planning enforcement service relating to short stay commercial leisure lets and that a further review will be carried out and reported on in six months time.

Background

- 2.1 Since the Guidance for Businesses was approved in December 2012, the Council has considered whether short stay commercial leisure apartments or 'party flats' can constitute a material change of use in planning terms. The Council considered that in certain cases they could. Accordingly, the published version of the non-statutory Guidance for Businesses was amended to incorporate the relevant criteria for assessing whether a residential premises had undergone a change of use to a short stay commercial leisure apartment, (SSCLA).
- 2.2 This report provides an update on the current position regarding the investigation and assessment of party flats throughout the city. The report follows the previous update provided to committee on 5 December 2013.

Main report

- 3.1 The Management Control Order served on the two flats in Grove Street is due to expire on 23 October 2014. A management control order (MCO) is an order granted by a Sherriff under the Anti Social Behaviour etc (Scotland) Act 2004, which gives the Council the power to take over the running of a privately rented property for up to one year. The Council can chose to apply for a MCO if a landlord has failed to comply with the requirements of an anti social behaviour notice, and the order is necessary to stop any anti social behaviour still occurring on the premises. At present, the Council has responsibility for the running of both SSCLA properties in Grove Street under the MCO granted in October 2014.

Access to both properties is currently controlled by the Council, and as such, no stag or hen parties have been permitted entry.

- 3.2 After this time, the responsibility for management of the two flats will revert to their owner. Officers from Planning, Community Safety and Legal Services have held preliminary discussions, in order to formulate an effective strategy to monitor these premises after the above date. Should these properties begin to operate as unauthorised SSCLA's after the order has expired, the planning service is not required to serve any new enforcement notices, as the notices served in August 2013 remain in effect on both properties indefinitely.
- 3.3 In addition to the flats in Grove Street, the planning service is also progressing to formal enforcement action in respect of an unauthorised SSCLA at 26 Tolbooth Wynd. An enforcement notice is currently in the process of being drafted for service at the premises which will require the cessation of the current unauthorised use.
- 3.4 Planning officers undertook several visits to the premises at Tolbooth Wynd following the receipt of an enquiry in July 2013 and were able to witness parties in residence on several occasions. In addition, they were also able to undertake an internal inspection during one site visit and it was noted that the premises contained 16 single beds. An application for planning permission in retrospect for the current use was refused by the Development Management Sub Committee on 30 April 2014, (ref 14/00845/FUL). At the time of writing, no appeal against this refusal has yet been submitted to the Local Review Body. The applicant has until 30 July 2014 to submit an appeal.
- 3.5 As detailed in the report approved by the Development Management Sub-Committee on 14 May, no further enforcement action is proposed in respect of the investigation at Brandfield Street. The Council has worked closely with the operator to introduce several measures to resolve the issues causing concern to local residents. This has resulted in the introduction of security staff, and changes to the booking procedure to discourage stag and hen parties.
- 3.6 The planning service is continuing to investigate multiple units at Western Harbour and other individual premises at Lothian Road, High Street, Canongate, Burgess Street and Carlton Terrace. These properties are still the subject of background information and evidence gathering to determine what action might be appropriate.
- 3.7 At present, no appeals have been submitted against any of the enforcement notices served. Consequently, there is to date no external measure of the robustness of the policy approach being taken.
- 3.8 The Council continues to publicise its non-statutory Guidance for Businesses through the quarterly planning newsletter, planning blog, and the planning twitter

feed. The guidance is easily accessible to all members of the public on the Planning and Building Standards section of the website.

Measures of success

- 4.1 That the Council's performance in dealing with cases of short stay commercial leisure lets results in a decline in the particular problems associated with such uses, a decline in the number of complaints about such activity, and in successful outcomes for the Council in any appeal or court proceedings.

Financial impact

- 5.1 This report has no financial implications.

Risk, policy, compliance and governance impact

- 6.1 There is no impact on risk, policy, compliance and governance impact arising from this report.

Equalities impact

- 7.1 There is no relationship between the matters described in this report and the public sector general equality duty. There is no direct equalities impact arising from this report.

Sustainability impact

- 8.1 The impacts of this report in relation to the three elements of the Climate Change (Scotland) Act 2009 Public Bodies Duties have been considered. Relevant Council sustainable development policies have been taken into account. This review of the operation of revised non statutory guidance will have no adverse impacts on carbon emissions, the city's resilience to climate change impacts, achieving a sustainable Edinburgh in respect of social justice, economic wellbeing or good environmental stewardship.

Consultation and engagement

- 9.1 Consultation and community engagement have not been carried out in respect of this review of the operation within the guidelines. However, there is regular

contact and communication with community groups and other interested parties through the work of the task group.

Background reading/external references

[Annual Review of Guidance, report to Planning Committee, 28 February 2013](#)

[Minutes of Planning Committee, 28 February 2013, item 3](#)

[Minutes of Planning Committee, 5 December 2013. Item 5.1](#)

[Minutes of Development Management Sub Committee, 14 May 2014, Item 4.2](#)

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Links

Coalition pledges	P28 Further strengthen our links with the business community by developing and implementing strategies to promote and protect the economic well being of the city
Council outcomes	CO8 Edinburgh's economy creates and sustains job opportunities CO16 Well-housed – People live in a good quality home that is affordable and meets their needs in a well managed neighbourhood CO19 Attractive Places and Well Maintained – Edinburgh remains an attractive city through the development of high quality buildings and places and the delivery of high standards and maintenance of infrastructure and public realm
Single Outcome Agreement	SO1 Edinburgh's economy delivers increased investment, jobs, and opportunities for all SO4 Edinburgh's communities are safer and have improved physical and social fabric.
Appendices	None

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