

# Development Management Sub Committee

Wednesday 28 October 2020

**Application for Planning Permission 20/03037/FUL  
At Flat 3 4 Dewar Place Lane, Edinburgh, EH3 8EF  
Change of use from residential flat to holiday let.**

Item number

Report number

Wards

B11 - City Centre

## Summary

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The proposal is contrary to the policies contained in the adopted Edinburgh Local Development Plan. The proposed change of use would have an unacceptable impact on residential amenity. The change of use will affect a quiet residential lane that makes an important contribution to the character of the conservation area. There are no material considerations that would outweigh this conclusion.

## Links

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[Policies and guidance for this application](#)

LDPP, LDEL02, LEN06, LHOU07, NSG, NSBUS, OTH, CRPWEN,

# Report

## **Application for Planning Permission 20/03037/FUL At Flat 3 4 Dewar Place Lane, Edinburgh, EH3 8EF Change of use from residential flat to holiday let.**

### **Recommendations**

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1.1 It is recommended that this application be Refused for the reasons below.

### **Background**

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#### **2.1 Site description**

The application site is a one-bedroom attic floor flat that is part of a two-storey, standalone building and is located on the north side of Dewar Place Lane. There are four units within the block where they all share a common entrance with the exception of Flat 4 which can be accessed from the rear of the building. The building includes a pend that provides rearward parking and access to the integral garages which are part of the building.

Adjacent to the site, to the west, is an area of car parking space in connection with the police station at 6 Torphichen Place. Adjacent to the site, to the east, is also an area of private staff car parking in connection to the existing 8 storey Hub hotel on Torphichen Street. While the north side of Dewar Place Lane is primarily characterised by access to parking facilities for the existing commercial premises on Torphichen Street, properties on the south side of Dewar Place Lane are characterised by a mix of both traditional and modern mews housing. Despite the prevailing mix of commercial and residential uses, Dewar Place Lane is a quiet narrow lane with controlled on-street parking between 0800 and 1800 hours.

This application site is located within the West End Conservation Area.

#### **2.2 Site History**

##### Other Planning History

23 September 2020- Application refused at the Development Management Subcommittee for a change of use from residential dwelling house to holiday let at Flat 1 4 Dewar Place Lane (Application number 20/03035/FUL).

23 September 2020 - Application refused at the Development Management Subcommittee for a change of use from residential dwelling house to holiday let at Flat 2 4 Dewar Place Lane (Application number 20/03036/FUL).

8 October 2020 - Application refused at the Development Management Subcommittee for a change of use from residential dwelling house to holiday let at 4A Dewar Place Lane (Application number 20/03071/FUL).

## Main report

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### 3.1 Description Of The Proposal

The application is for a change of use from residential flat to holiday let flat.

### 3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

### 3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the change of use is acceptable in this location;
- b) the proposal will preserve the character and appearance of the West End Conservation Area;
- c) the proposal raises any road safety issues; and
- d) comments raised have been addressed.

#### a) Principle

The site is within the city centre where Edinburgh Local Development Plan (LDP) policy Del 2 (City Centre) permits development which retains and enhances its character, attractiveness, vitality and accessibility and contributes to its role as a strategic business and regional shopping centre and Edinburgh's role as a capital city. The policy requires uses or a mix of uses appropriate to the location of the site, its accessibility and the character of the surrounding area.

It should be noted that the LDP does not include any policies against the loss of residential use.

LDP policy Hou 7 (Inappropriate Uses in Residential Areas) states that developments, including changes of use which would have a materially detrimental impact on the living conditions of nearby residents, will not be permitted.

The non-statutory Guidance for Business states that for a change of use to short term commercial visitor accommodation, special regard will be made to the following:

- the character of the new use and of the wider area;
- the size of the property;
- the pattern of activity associated with the use including numbers of occupants, the period of use, issues of noise, disturbance and parking demand; and
- the nature and character of any services provided.

The guidance states that change of use in flatted properties will generally only be acceptable where there is a private access from the street, except in the case of HMOs.

In connection to short stay lets it states - *The Council will not normally grant planning permission in respect of flatted properties where the potential adverse impact on residential amenity is greatest.*

There has been a number of appeal decisions which have helped to assess whether a change of use has taken place and whether that change of use is acceptable.

There has also been planning appeal decisions against refusals to grant planning permission and certificates of lawfulness for short stay lets. These decisions have typically allowed short term let uses in main door properties or flats with their own private accesses e.g. 11 Stevenson Drive (CLUD-230-2007), 103 Restalrig Road (CLUD-230-2006) and 17 Old Fishmarket Close (PPA-230-2238). There are also currently 66 planning enforcement cases open in relation to short stay let uses.

Recent appeal decisions like that at Flat 3F2, 22 Haymarket Terrace (ENA-230-2156) stress that the frequent movement by tourists, and other itinerant residents, of baggage along landings and stairwells as well as the necessity for daily servicing of the apartment all lead to a pattern of intense usage of the access stairs and communal areas beyond that which may otherwise be expected from an apartment of this size. All of which creates the potential for unacceptable noise and disturbance to existing residents.

The application site is entered from a common stair. The site plan does not show the provision of bin stores. However, bin stores are located to the rear of the building which can be shared among occupants of the building. Whilst the proposal relates to a one-bedroom flat, the existing lounge area could be used as a second bedroom also, potentially increasing the number of occupants from two to four. The shared means of access and waste arrangement would mean that users of the short term let would potentially interact and share services with long term residents of the building. It should be noted that planning cannot control or condition the number of bedrooms being potentially provided.

All the units within the building are owned by the applicant and the proposal is currently one of four applications submitted to convert the entire building into holiday let flats. Three of the applications have already been refused by the Development Management Sub Committee. While this may be a relevant material consideration, each application is assessed on their own merit. There would be no remit to preclude the implementation of one consent over another, which could lead to a potential conflict in the compatibility between short stay lets and residential uses within the same building.

Dewar Place Lane is primarily a quiet residential lane with cars arriving in a single file at a low speed to private areas of restricted car parking. While occupants of the flat could potentially have access to an individual parking space, the plans do not show a designated parking space being allocated for Flat 3. In addition, short stay visitors to the city predominately tend to travel by air, rail and bus. If more than one occupant were to reside within the premises and to arrive at separate times, not only this would be detrimental to residential occupants of the building, the frequent movement by tourists, and other itinerant residents, of baggage along the lane as well as the necessity for daily servicing of the apartment would all lead to a pattern of intense usage of the lane and the communal areas within the building, beyond which may otherwise be expected from an residential apartment in this location. All of which would create unacceptable noise and disturbance for residential occupants of the building and the living conditions of nearby residents within the existing lane.

The proposal is contrary to LDP policy Del 2 and Hou 7 as it cannot be demonstrated that the proposal will not have a materially detrimental impact on the living conditions of nearby residents and its use is not appropriate for its location which is a quiet residential lane.

#### b) Character and 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."*

LDP Policy Env 6 (Conservation Areas - Development) states that development within a conservation area will be permitted if it preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal and demonstrates high standards of design and utilises materials appropriate to the historic environment.

The application site is located with the West End Conservation Area. The character appraisal states that the area is extremely diverse in terms of its activities and uses ranging over city wide cultural activities, small offices and major headquarter offices, conference facilities and a wide variety of shops and restaurants. In addition, one characteristic is that the former Georgian residential properties along West Maitland Street and Torphichen Street are largely given over to office use.

While there are no proposed external changes to the building that would affect the appearance of the conservation area, is important to recognise that residential uses

make an important contribution to the diverse mix of uses in the area. While the introduction of a short holiday let would complement a range of visitors' accommodation being offered throughout the city, its use within a quiet residential lane in this part of the conservation area would alter the existing residential nature of the lane which would undermine its contribution to the character of the conservation area.

#### c) Road Safety and Parking

The proposal has the potential to provide parking for occupants of the premises within the existing garage. In terms of parking standards, the existing one-bedroom flat will not lead to an increase in demand for parking beyond what already exists. The application site lies within a controlled parking zone. Parking attendants will enforce parking regulations. The application has no implications for road safety. The application is acceptable in this regard.

#### d) Public Comments

#### **Material Comments - Objections**

- Contrary to Local Development Plan Policy Hou 7 - Addressed in Section 3.3 (a).
- Contrary to Local Development Plan Policy Env 6 - Addressed in Section 3.3 (b).

#### **Non-Material Comments - Objections**

- Loss of city centre housing - there are no policies in the adopted Local Development Plan to safeguard the loss of housing.

#### **CONCLUSION**

In conclusion, the proposal is contrary to the policies contained in the adopted Edinburgh Local Development Plan. The proposed change of use would have an unacceptable impact on residential amenity. The change of use will affect a quiet residential lane that makes an important contribution to the character of the conservation area. There are no material considerations that would outweigh this conclusion.

It is recommended that this application be Refused for the reasons below.

### **3.4 Conditions/reasons/informatives**

#### **Reasons:-**

1. The proposal is contrary to the Local Development Plan Policy Del 2 in respect of City Centre, as the use of a holiday let is not appropriate for the location of the site.
2. The proposal is contrary to the Second Proposed Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as it will have a materially detrimental impact on the living conditions of nearby residents.
3. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as it will alter the quiet residential nature of the lane which contributes to the character of the conservation area.

### **Financial impact**

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#### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

### **Risk, Policy, compliance and governance impact**

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5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

### **Equalities impact**

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#### **6.1 The equalities impact has been assessed as follows:**

The application has been assessed and has no impact in terms of equalities or human rights.

### **Sustainability impact**

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#### **7.1 The sustainability impact has been assessed as follows:**

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

### **Consultation and engagement**

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#### **8.1 Pre-Application Process**

There is no pre-application process history.

#### **8.2 Publicity summary of representations and Community Council comments**

The application was advertised on 18 September 2020 and the proposal attracted 2 objections. The comments raised are addressed in the Assessment Section of the report.

## **Background reading/external references**

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- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)



## **Statutory Development**

### **Plan Provision**

The site is an urban area as designated in the Edinburgh Local Development Plan and the West End Conservation Area.

### **Date registered**

3 September 2020

### **Drawing numbers/Scheme**

01-02.,

Scheme 1

## **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

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## **Links - Policies**

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### **Relevant Policies:**

#### **Relevant policies of the Local Development Plan.**

LDP Policy Del 2 (City Centre) sets criteria for assessing development in the city centre.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

#### **Relevant Non-Statutory Guidelines**

**Non-statutory guidelines** 'GUIDANCE FOR BUSINESSES' provides guidance for proposals likely to be made on behalf of businesses. It includes food and drink uses, conversion to residential use, changing housing to commercial uses, altering shopfronts and signage and advertisements.

### **Other Relevant policy guidance**

The West End Conservation Area Character Appraisal emphasises that the area is characterised by mixed, residential commercial buildings. The central section of the conservation area is a major modern financial area consisting of modern offices. The Georgian and Victorian tenements within the area are mainly 4-6 storeys, and constructed of stone with pitched, slated roofs.

# Appendix 1

## Application for Planning Permission 20/03037/FUL At Flat 3 4 Dewar Place Lane, Edinburgh, EH3 8EF Change of use from residential flat to holiday let.

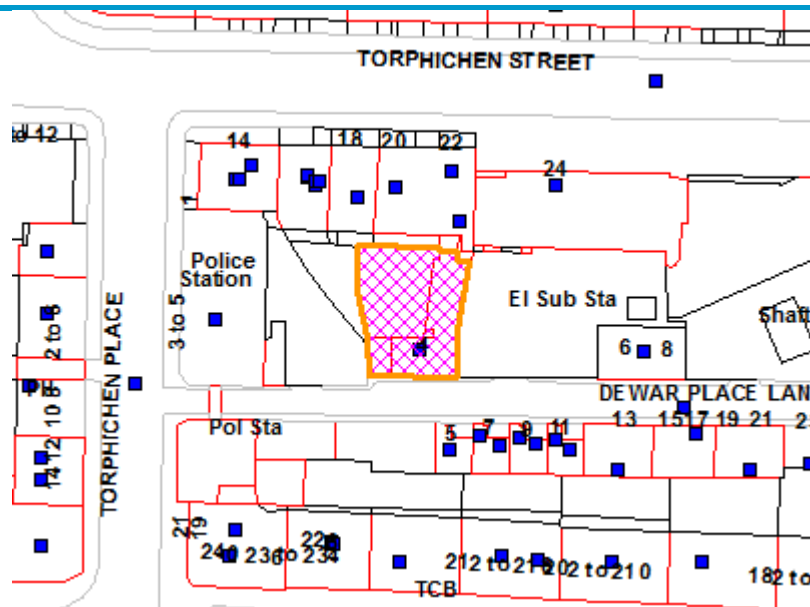
### Consultations

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No consultations undertaken.

### Location Plan

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