

# Development Management Sub Committee

Wednesday 17 March 2021

**Application for Planning Permission 20/01505/FUL  
at 45 Grove Street, Edinburgh, EH3 8AF.  
Change of use from office/retail (class 2) to short stay  
serviced accommodation (as amended).**

**Item number**

**Report number**

**Wards**

B11 - City Centre

## Summary

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The proposal complies with the policies contained in the adopted Edinburgh Local Development Plan. The proposed change of use would have no adverse impact on residential amenity. The change of use will preserve the character and appearance 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, LHOU07, LDEL02, LEN06, LTRA02, LTRA03, NSG, NSBUS, CRPWEN,

# Report

## **Application for Planning Permission 20/01505/FUL at 45 Grove Street, Edinburgh, EH3 8AF. Change of use from office/ retail (class 2) to short stay serviced accommodation (as amended).**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site comprises part of the ground floor and all the lower ground floor of an office/retail unit which is currently vacant. It forms part of a building which is four storey on Grove Street with the south elevation facing the Western Approach Road below. The upper floors are serviced holiday let apartments.

There is an access road to the side leading to a rear car park. This is out with the application site.

The surrounding area is largely residential with some commercial uses including holiday lets.

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

#### **2.2 Site History**

There is no relevant planning history for this site.

### **Main report**

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#### **3.1 Description of the Proposal**

The proposal is for a change of use from office/retail to form five short term holiday accommodation apartments (short stay commercial visitor accommodation - SSCVA).

Each apartment has a living area, bedroom, kitchen area and bathroom. There are also some internal boxrooms.

A new internal stair leading from Grove Street downstairs gives access to the apartments at the lower level. Cycle storage is included in the proposals. No car parking is proposed.

There are some external changes to windows and doors included within the proposal.

## Previous Scheme

The scheme was amended to change it from each apartment accommodating up to 10 occupants in pods to a single bedroom layout with a double bed. Initial inclusion of a residential unit at ground floor was also deleted.

### **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.

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 principle of the change of use is acceptable;
- b) the proposals will adversely affect the special character or appearance of the conservation area and special qualities of the world heritage site;
- c) the proposal will impact on neighbouring amenity;
- d) there any Roads Authority or parking issues and
- e) any issues raised in representations have been addressed.

#### a) Principle of development

The application site is situated in the urban area as defined in the adopted Edinburgh Local Development Plan (LDP). It should be noted that the LDP does not include any policies against the loss of retail use in this street. In terms of the increase in the number of short stay properties in the City, there is currently no statutory policy in the LDP controlling this.

The main policy that is applicable to the assessment of short-stay commercial visitor accommodation (SCVA) lets is LDP policy Hou 7 (Inappropriate Uses in Residential Areas) which 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 Businesses states that an assessment of a change of use of dwellings to SCVA will have regard to:

- 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 a 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"*.

In addition, policy Del 2 states development which lies within the area of the City Centre as shown on the Proposals Map will be permitted 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 site lies within this area.

There has been a number of appeal decisions which have helped to assess whether short stay visitor accommodation is acceptable or not. These appeals are material planning considerations. The main determining issues in these cases relate to the following:

- The location of the property and, in particular, whether it is part of a common stair shared by residents. Typically appeals are successful where the property has its own private access;
- The frequency of movement and likely disturbance for neighbours, and whether this is likely to be more than a full-time tenant occupying the flat. Generally, the smaller the flat the less likelihood of disturbance to neighbours;
- The impact on the character of the neighbourhood. Again, this often relates to the size of the property and whether anyone renting it for a few days is likely to shop or use local services any differently from a long-term tenant;
- The nature of the locality and whether the property is located within an area of activity such as being on a busy road or near shops and other commercial services. As such, residents would be accustomed to some degree of ambient noise/ disturbance.

These appeals have also found that short stay visitor accommodation units can be acceptable in predominately residential areas.

Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. Whilst there is not a specific LDP policy relating to the jobs created through the required care, maintenance and upkeep of SVCA properties, the economic benefits are a material planning consideration, and this is compatible with policy Del 2.

This property has its own access and it is located within a largely residential area with a small proportion of commercial properties. The amended scheme changes the provision to five single apartments for two people each. Grove Street is a through road with a fair amount of traffic and there is nearby access to local facilities. The units above the application site are already short stay visitor accommodation with a maximum of four persons per apartment. The provision of an additional five short stay units will not materially impact on the character of the area.

The principle of the development is considered acceptable.

## b) **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."*

Policy Env 6 Conservation Areas- Development states that development within a conservation area will be permitted which preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant character appraisal.

The site is located within the West End Conservation Area. The character appraisal states in terms of architectural character - *This area reflects a number of architectural periods. Georgian tenemental architecture turns the corners from West Maitland Street into Torphichen and Morrison Street and presents a trickle of domestic buildings on Grove Street.* This highlights the fact that Grove Street is largely residential, and this is an important part of its character. The introduction of an additional five short stay accommodation units will not undermine the essential character of the conservation area.

The actual physical alterations relate to a building which is modern and would not have an adverse impact on the character or appearance of the conservation area.

The character of the conservation area will be preserved. The proposals do comply with Policy Env 6.

## c) Neighbouring Amenity

Policy Hou 7 (Inappropriate Uses in Residential Areas) considers whether proposed new uses would harm existing residential amenity.

The application property has its own direct access from the public street and the rest of the building is entirely in use as short term holiday lets. Any occupants of the apartments would therefore not come into contact with residents living nearby. Environmental Protection has no objections on the basis that the apartment block is already part of a serviced apartment complex and the new accommodation faces out over the Western Approach Road towards another block of serviced apartments.

Therefore, it is unlikely to impact on the residential amenity of any nearby sensitive receptors.

Each unit is composed of one room with a double bed and kitchen/bathroom, geared towards couples. The relatively small number of units would restrict usage by an excessive number of visitors. The size of the property is similar to a residential flat and is unlikely to be used radically differently. An SCVA of this nature will not materially intensify demand on local services.

The proposal complies with Local Development Plan Policy Hou 7.

#### d) Roads Authority

Policies Tra 2 and Tra 3 of the LDP sets out the requirement for private car and cycle parking. The car and cycle parking standards are contained in the Edinburgh Design Guidance.

The Roads Authority has no objections to the proposal subject to informatives relating to a Travel Plan and parking permit. The zero parking provision is acceptable and complies with the parking standards in the Edinburgh Design Guidance. The application property is well served by public transport and is within walking or cycling distance of local amenities and many tourism venues. Ample cycle storage has been provided.

The proposal complies with LDP Policy Tra 2 and LDP Policy Tra 3.

#### e) Public comments

##### **Material Comments**

- Increase of short-term lets in the area - addressed in 3.3.a)
- Loss of retail unit - addressed in 3.3.a)
- Increase in traffic and parking issues - addressed in 3.3.e)
- Number of bed spaces proposed - addressed in 3.3.a)
- Proposal is contrary to policy and guidance - addressed in 3.3.a)
- Use of uPVC - addressed in 3.3.c)
- Impact on bats - this has not been addressed as there is no evidence of bats in the building.

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

- Neighbour notification issues - initial problems were resolved;
- Litter - this is not a material planning consideration

##### **Conclusion**

In conclusion, the proposal complies with the policies contained in the adopted Edinburgh Local Development Plan. The proposed change of use would have no adverse impact on residential amenity. The change of use will preserve the character and appearance of the conservation area. There are no material considerations that would outweigh this conclusion.

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

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

#### **Informatives**

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

#### **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

A total of 33 representations were received, all objecting.

### **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**

Adopted Edinburgh Local Development Plan.

### **Date registered**

2 April 2020

### **Drawing numbers/Scheme**

01, 02A, 03A,

Scheme 3

## **David R. Leslie**

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PLACE

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## **Links - Policies**

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### **Relevant Policies:**

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

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.

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 Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

### **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.

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 20/01505/FUL At 45 Grove Street, Edinburgh, EH3 8AF Change of use from office/ retail (class 2) to short stay serviced accommodation (as amended).**

### **Consultations**

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#### **Environmental Protection**

*Environmental Protection has no objections to the application.*

*The proposed development is to convert existing retail into serviced apartments. The rest of the apartment block the proposal is part of is already serviced accommodation.*

*The new accommodation faces out over the Western Approach Road towards another block of serviced apartments. Therefore, it is unlikely to impact on the residential amenity of any nearby sensitive receptors.*

*Therefore, Environmental Protection has no objection to the application.*

#### **Transport**

*No objections to the application subject to the following being included as conditions or informatives as appropriate:*

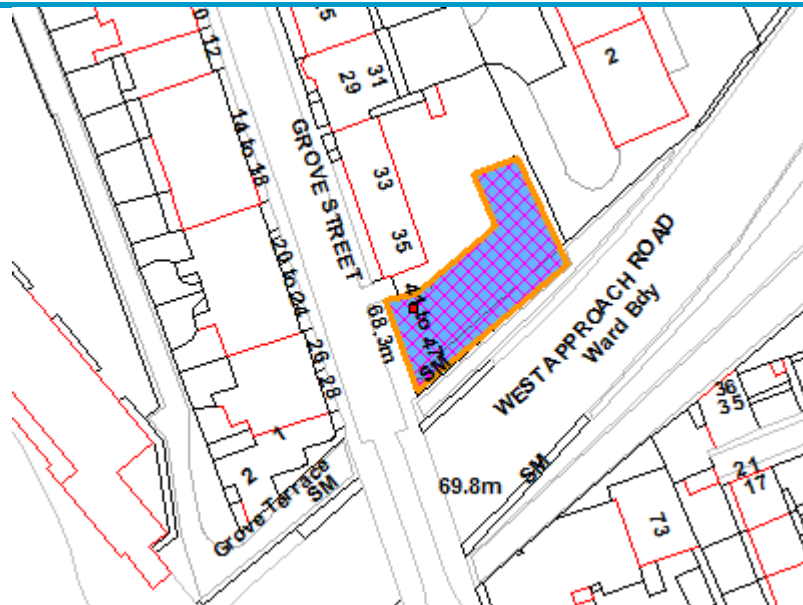
- 1. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;*
- 2. The applicant should be advised that as the development is located in Zones 1 to 8, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See [https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item\\_77\\_-\\_controlled\\_parking\\_zone\\_amendments\\_to\\_residents\\_permits\\_eligibility.pdf](https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item_77_-_controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf) (Category B - Newly sub-divided or converted).*

#### **Note:**

- The application has been assessed under the 2017 Parking Standards (updated January 2020), for the purposes of this assessment the 4 serviced apartments are considered under use class 7 (hotels). These permit the following:*
- A maximum of 2 car parking spaces (1 space per residential unit and 1 space per 5 bedrooms). 0 car parking is proposed. this is considered acceptable;*

- A minimum of 2 cycle parking spaces is required for the residential unit. 0 dedicated cycle parking has been proposed but as this is a conversion of an existing office space and the residential unit has a reasonable sized hallway and storage area and direct level access to the street this is considered acceptable;
- As there is zero car parking proposed there is no requirement for accessible and EV parking;
- The net impact of car parking when comparing the proposed use against existing is considered to be minimal;
- It should be noted that the serviced apartments will not be eligible for residential parking permits;
- The proposed use does not meet the minimum GFA/units/bedrooms to generate a tram contribution.

## Location Plan



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