

Development Management Sub Committee

Wednesday 10 November 2021

**Application for Planning Permission 21/04825/FUL
at 19 King's Stables Lane, Edinburgh, EH1 2LQ.
Retrospective change of use from residential dwelling to
short-term let.**

Item number

Report number

Wards

B11 - City Centre

Summary

The proposals comply with the Local Development Plan. The proposed change of use to short-term letting will not adversely impact on residential amenity and will preserve the character and appearance of the conservation area. It is compatible with the mixed-use character of the area. There are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LEN01, LEN06, LHOU07, LTRA02, LTRA03, NSG, NSBUS, CRPOLD,

Report

Application for Planning Permission 21/04825/FUL at 19 King's Stables Lane, Edinburgh, EH1 2LQ. Retrospective change of use from residential dwelling to short-term let.

Recommendations

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

Background

2.1 Site description

The application property is a small residential unit in a quiet lane at the back of Webster's land on West Port.

The unit has one bedroom, a lounge/kitchen and shower room. A large dormer sits on the roof and there is one parking space in the lane for the unit. The property has its own access and there is no shared amenity space.

There is a mix of uses in the surrounding area.

The site lies within the World Heritage Site.

This application site is located within the Old Town Conservation Area.

2.2 Site History

2 May 2017 - Planning permission granted for the change of use from an office/workshop to a residential dwelling (application reference 17/00954/FUL)

Main report

3.1 Description of the Proposal

The application seeks planning permission for the change of use from a residential dwelling to a short-term let (STL). The physical alterations to the property to form the dwelling were granted under application 17/00954/FUL and have been completed although it has never been occupied for residential purposes.

The property is currently let on a short-term basis. The applicant states the property has been being used a short-term let since April 2021. The application is therefore retrospective.

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 proposal is acceptable in principle;
- b) the development preserves or enhances the special character or appearance of the conservation area;
- c) the development affects the Outstanding Universal Value of the Edinburgh World Heritage Site;
- d) the development complies with parking standards and
- e) any comments made have been addressed.

a) Principle of development

Policy Del 2 states that development which lies within the area of the City Centre 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 proposals would provide additional visitor facilities in an area of the city centre close to a speciality shopping centre with a range of uses including shops, public houses and restaurants. Whilst the eastern section of the lane is characterised by residential properties, the west section is dominated by parking for Argyle House, a large office block. Other nearby neighbouring uses include student housing, an aparthotel and businesses. The site is within reasonable walking distance from public transport - buses and tram. It complies with policy Del 2.

However, the main policy that is applicable to the assessment of short-stay lets (STLs) 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.

There are no policies relating specifically to the loss of housing stock or the control of short stay lets in the current LDP.

The non-statutory Guidance for Businesses states that an assessment of a change of use of dwellings to short stay lets 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.

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 short stay letting 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 STL properties, the economic benefits are a material planning consideration.

In this case the property has its own access and there is no garden ground to the front or rear. Any potential noise conflicts will be from the lane outside or from within the property. As a lane with a mix of uses, there is already a degree of activity and the question is whether the conversion of this unit to a short term let will make that materially worse and so adversely impact on residential amenity.

The key issue is that this is a one bedroom property suitable for two persons and the likelihood of disturbance to neighbours is low. Space inside the unit is limited and whilst any planning permission cannot be conditioned in terms of number of occupants, it is unlikely it will be used for large numbers of visitors which may impact on neighbours' amenity. On the balance of probability there will be no adverse impact on residential amenity and LDP policy Hou 7 is complied with.

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."

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 Old Town Conservation Area Character Appraisal emphasises the survival of the original medieval street pattern; the wealth of important landmark buildings; the survival of an outstanding collection of archaeological remains, medieval buildings, and 17th-century town houses; the consistent and harmonious height and mass of buildings; the importance of stone as a construction material for both buildings and the public realm; the vitality and variety of different uses; and the continuing presence of a residential community.

There are no external alterations and the development preserves both the character and appearance of the conservation area. The change of use from a one-bedroom domestic flat to a short-term holiday let (STL) will not have any material impact on the character of the conservation area. The change of use would preserve the appearance of the conservation area.

The proposal complies with LDP Policy Env 6.

c) World Heritage Site

LDP Policy Env 1 states development which would harm the qualities which justified the inscription of the Old and New Towns of Edinburgh and/or the Forth Bridge as World Heritage Sites or would have a detrimental impact on a Site's setting will not be permitted.

The inscription reasons are set out in the Edinburgh World Heritage Site Management Plan as follows:

The Old and New Towns of Edinburgh World Heritage Site (WHS) met two criteria -

Criterion (ii) - Have exerted great influence, over a span of time or within a cultural area of the world, on developments in architecture, monumental arts, or town planning and landscape design. The successive planned extensions of the New Town, and the high quality of its architecture, set standards for Scotland and beyond, and exerted a major influence on the development of urban architecture and town planning throughout Europe, in the 18th and 19th centuries.

Criterion (iv) - Be an outstanding example of a type of building or architectural ensemble or landscape which illustrates (a) significant stage(s) in human history.

The proposed change of use as short stay lets does not affect the reasons for the inscription and therefore meets policy Env 1. In addition, the Management Plan notes the importance of the value of the WHS to tourism industry and business community and stresses the importance of sustainable tourism. The proposal will not have a detrimental impact on the Outstanding Universal Value of the World Heritage Site.

The proposal complies with LDP Policy Env 1.

d) Parking standards

LDP policy Tra 2 - Private Car Parking encourages low car provision where a development is accessible to public transport stops and that existing off-street car parking spaces could adequately accommodate the proposed development.

LDP policy Tra 3 - Private Cycle Parking supports development where proposed cycle parking and storage provision complies with the standards set out in Council Guidance.

There is an existing car parking space in the lane and it is intended to keep this for visitors. Whilst its removal is preferred to encourage sustainable methods of transport, there is no change to the existing situation and no basis for requiring its removal.

There is no cycle parking standard for STLs and the unit is small. A bike could be parked in the lounge near the front door if required.

The proposals comply with policies Tra 2 and Tra 3.

e) Public comments

Material comments - objection

- loss of permanent housing stock - addressed in section 3.3a)
- impact on residential amenity - addressed in section 3.3a)

Non-material comments

- applicant is an investment company. This is not a material planning consideration.
- no benefit to local community. There are no statutory policies in the LDP which require this.

Conclusion

The proposals comply with the Local Development Plan. The proposed change of use to short-term letting will not adversely impact on residential amenity and will preserve the character and appearance of the conservation area. It is compatible with the mixed-use character of the area. There are no material considerations which 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. 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.
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.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

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

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

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

One objection has been received.

Background reading/external references

- 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**

Urban area

Date registered

14 September 2021

Drawing numbers/Scheme

01-02,

Scheme 1

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Nancy Jamieson, Team Manager

E-mail:nancy.jamieson@edinburgh.gov.uk

Links - Policies

Relevant Policies:**Relevant policies of the Local Development Plan.**

LDP Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its setting.

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.

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 Old Town Conservation Area Character Appraisal emphasises the survival of the original medieval street pattern; the wealth of important landmark buildings; the survival of an outstanding collection of archaeological remains, medieval buildings, and 17th-century town houses; the consistent and harmonious height and mass of buildings; the importance of stone as a construction material for both buildings and the public realm; the vitality and variety of different uses; and the continuing presence of a residential community

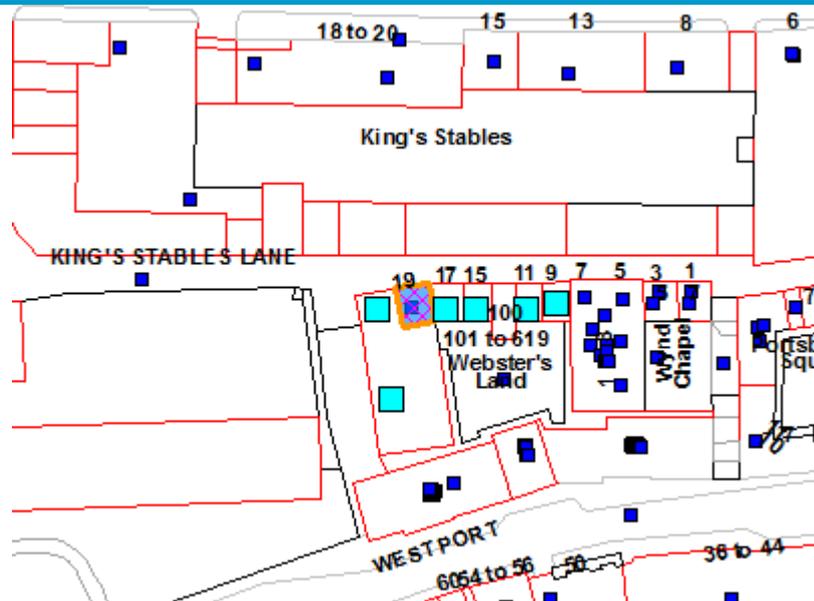
Appendix 1

**Application for Planning Permission 21/04825/FUL
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Consultations

No consultations undertaken.

Location Plan



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