

# Development Management Sub Committee

Wednesday 12 January 2022

**Application for Planning Permission 21/04620/FUL  
at 44 Arthur Street, Edinburgh, EH6 5DD.  
Conversion of existing garages and change of use of  
existing apartments to form three short stay lets.**

Item number

Report number

Wards

B12 - Leith Walk

## Summary

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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 existing character of the area. There are no material considerations which outweigh this conclusion.

## Links

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[Policies and guidance for this application](#)

LDPP, LHOU07, LEN06, NSG, NSBUS, OTH, CRPPIL,

# Report

## **Application for Planning Permission 21/04620/FUL at 44 Arthur Street, Edinburgh, EH6 5DD. Conversion of existing garages and change of use of existing apartments to form three short stay lets.**

### **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 two ground floor garage units located on the corner of Arthur Street and Arthur Street Lane. The site forms part of a three-storey flatted block. The area is residential in nature, with some commercial garages located nearby. This application site is located within the Pilrig Conservation Area.

#### **2.2 Site History**

19 March 2021 - Planning permission granted for conversion of two garages into a flat (application reference: 20/02750/FUL).

### **Main report**

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

The proposal is for the change of use of the existing garages and upper apartments to form three short stay lets. The upper floor apartments will each have two bedrooms whilst the proposed ground floor apartment will have one bedroom. Proposed external changes to the rear include the formation of three windows, matching the existing windows on the host building, replacing the existing garage doors and the formation of a wrought-iron fence. No additional car parking spaces are proposed as part of the scheme.

#### **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 and
- b) the development preserves or enhances the special character or appearance of the conservation area;
- c) all other material considerations have been considered and
- d) any public comments have been addressed.

#### a) Principle of development

The main policy that is applicable to the assessment of short stay lets (STL) 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 control of STLs or the impact such a use may have on residential housing stock in the current LDP.

The non-statutory Guidance for Businesses states that an assessment of a change of use of dwellings to STLs 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 lets are 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 lets 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 instance the proposal will result in the conversion of existing residential units on the first and second floor and existing garages on the ground floor to STL units. No residential units will remain within the building. The application site has an independent means of access and no external amenity space. The site is in a residential area. However, there is a commercial garage and a church over the road to the south. The proposal will not result in a loss of amenity for existing residents in the area.

The Council as planning authority has to deal with each planning application on its own merits. A large number of STLs in a particular area can impact on residential amenity but this proposal for three STL units will not impact on the residential nature of the locality.

There is no empirical evidence which shows a negative impact on the community.

The proposal complies with LDP Policy Hou 7.

#### 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 Pilrig Conservation Area is characterised by its varied street pattern and terraced properties, contrasted with the green space of Pilrig Park and Rosebank Cemetery. The scale is set by two storey housing.

The building does not make a significant or positive contribution to the character or appearance of the conservation area.

The proposed external alterations are as previously consented through application 20/02750/FUL. The proposal would use materials that are in keeping with the type and style of the neighbouring properties. The windows proposed would be constructed to match the design of other windows in the building and would be acceptable within the context of the property. The Planning Authority will require full details of proposed materials to be submitted and agreed prior to initiation of development.

The proposed external alterations are compatible with the existing dwelling and will preserve the character and appearance of the conservation area.

### c) Other Material Considerations

Scottish Planning Policy's presumption in favour of sustainable development is a significant material consideration due to the Local Development Plan being over 5 years old.

The proposal is a sustainable land use, which will support the local economy and by complying with building regulations it will contribute to the mitigation of climate change by, for example, a reduction in energy use. The proposal complies with SPP sustainable policy principles.

#### *Emerging Policy Context*

NPF 4 - Draft National Planning Framework 4 is being consulted on at present. As such, it has not yet been adopted. Therefore, little weight can be attached to it as a material consideration in the determination of this application.

City Plan 2030 - While the proposed City Plan is the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

### d) Public Comments

-Too many short-term lets in the area; this is addressed in 3.3a,

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

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

### **Conditions :-**

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.

**Reasons:-**

1. In order to enable the planning authority to consider this/these matter/s in detail.

**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 meets 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 received one comment, objecting to the proposal.

## **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**

Edinburgh Local Development Plan.

**Date registered**

2 September 2021

**Drawing numbers/Scheme**

01-02B,

Scheme 3

**David Givan**

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

**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 Pilrig Conservation Area is characterised by its varied street pattern and terraced properties, contrasted with the green space of Pilrig Park and Rosebank Cemetery. The scale is set by two storey housing.

# Appendix 1

**Application for Planning Permission 21/04620/FUL  
at 44 Arthur Street, Edinburgh, EH6 5DD.  
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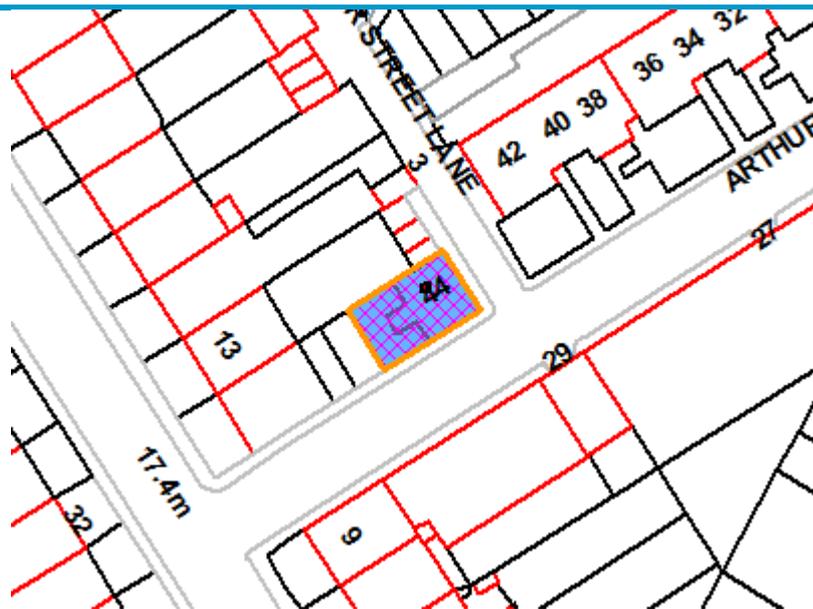
## Consultations

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No consultations undertaken.

## Location Plan

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