



Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100579145-002

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Graham + Sibbald		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Murray	Building Name:	
Last Name: *	Rankin	Building Number:	233
Telephone Number: *	0141 332 1194	Address 1 (Street): *	St Vincent Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	UK
		Postcode: *	G2 5QY
Email Address: *	murray.rankin@g-s.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

☐ Individual ☒ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text" value="256"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Capability Green"/>
Company/Organisation	<input type="text" value="The Housing Network"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Luton"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="LU1 3LU"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="murray.rankin@g-s.co.uk"/>		

Site Address Details

Planning Authority:	<input type="text" value="City of Edinburgh Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Upper Floors 555 Gorgie Road Edinburgh EH11 3LE

Northing	<input type="text"/>	Easting	<input type="text"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Section 42 Application for Variation of Condition 1 of Planning Permission ref: 21/04098/FUL to permit Sui Generis use of premises as Student Accommodation and Short-stay Accommodation for let to non-students at any time of year for a temporary period of 5 years

Type of Application

What type of application did you submit to the planning authority? *

- ☐ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☒ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see supporting statement

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Notice of Review/Appeal Statement Location Plan Letter of support from Council Housing Services Floor Plans Planning Supporting Statement Planning Application Form Decision Notice Report of Handling

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

22/03465/FUL

What date was the application submitted to the planning authority? *

05/07/2022

What date was the decision issued by the planning authority? *

14/10/2022

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☐ Yes ☒ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Murray Rankin

Declaration Date: 12/12/2022

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City of Edinburgh Council
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Submitted via ePlanning

For a full list of Partners
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Our Ref: MR/2022/05/0346

www.g-s.co.uk

Date: 12/12/2022

Dear Sir/Madam

Notice of Review against Refusal of Planning Application 22/03465/FUL for Section 42 Application for Variation of Condition 1 of Planning Permission ref: 21/04098/FUL at Upper Floor, 555 Gorgie Road, Edinburgh, EH11 3LE

Please find enclosed a Notice of Review against the refusal of the above application for Variation of Condition at 555 Gorgie Road, Edinburgh by City of Edinburgh Council Planning Department under delegated powers on the 14th October 2022. This Notice of Review is submitted on behalf of our client The Housing Network (the Applicant).

The Notice of Review submission comprises the following documents:

- Completed Notice of Review form
- Statement of Review – Review Document 01
- Application submission documents
 - Planning application form – Review Document 02
 - Planning Supporting Statement (Graham + Sibbald) – Review Document 03
 - Floor Plans – Review Documents 04-07
 - City of Edinburgh Council Housing Services Letter of Support – Review Document 08
 - Location Plan (Graham + Sibbald) – Review Document 09
- Decision Notice – Review Document 10
- Report of Handling – Review Document 11

Summary of Review

In July 2022, application 22/03465/FUL was submitted to City of Edinburgh Council seeking a variation of condition to extend a current temporary use at the premises beyond its current 2-year limit, for a period of 5 years. The intention is for this to allow the premises to be used to service a contract between the applicant and City of Edinburgh Council's Housing Services for the provision of accommodation for households in need. The application was accompanied by a supporting statement outlining the justification for the development.

This application was refused by delegated decision on the 14th October 2022. The reason for refusal relates to concern over impact on living conditions and amenity of student residents.



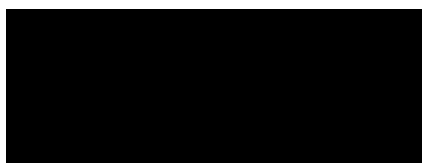
The appellant disputes this outcome for the following reasons:

- During the course of the application's determination, an amendment was proposed that would mitigate the issue by only allowing the premises to be in use as either student accommodation, or short-stay accommodation for the Council at any one time – this was not taken up by the determining Planning Officer
- The Officer has not given adequate consideration to the significant social and economic benefits of the proposal, as is required under Scottish Planning Policy. The proposal meets the definition of "sustainable development", and therefore benefits from a presumption in its favour which has not been applied in this case
- The social and economic benefits are particularly relevant in light of current economic circumstances that will exacerbate the demand for housing such as this – this has not been afforded any consideration or weight in the determination

The full detail and Grounds for Review are set out in the Statement of Review appending this submission. It is regarded that the arguments enclosed within this Statement make a compelling case for the Local Review Body to overturn the Planning Officer's decision and Grant consent for this proposal.

I trust that the above and enclosed are acceptable. Please do not hesitate to contact me on the details below if you require any further information.

Yours faithfully



Murray Rankin MSc MRTPI

Senior Planner

T: 07803 896942

E: murray.rankin@g-s.co.uk

Statement of Review

Notice of Review to Local Review Body against Refusal of Section 42 Application for Variation of Condition to Permit Sui Generis use of premises as Student Accommodation and/or Short-stay Accommodation for a period of 5-years (ref: 22/03465/FUL)

At Upper Floors
555 Gorgie Road
Edinburgh
EH11 3LE

Prepared on behalf of The Housing Network
Prepared by Graham + Sibbald LLP

Date: 12/12/2022
Our Ref: MR/2022/05/0346



Quality Assurance

**This report has been prepared within the quality system operated at
Graham + Sibbald LLP**

Created by: Murray Rankin MSc MRTPI

Signature:

12/12/2022

Approved by: Kerri McGuire MRTPI MRICS PIEMA

Signature:

12/12/2022



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Executive Summary

- An application was submitted to City of Edinburgh Council in July 2022 for variation of condition relating to an existing temporary consent at 555 Gorgie Road, Edinburgh, EH11 3LE.
- The premises is a student accommodation block and currently has temporary planning consent for a mix of student accommodation and short-stay accommodation for a period of two years. The application sought to extend this for a further five years.
- The permission is required to allow the premises to be used by the applicant (a recognised provider of accommodation to the homeless and vulnerable) to provide accommodation to households who are owed a duty to accommodate as part of a contract agreed with City of Edinburgh Council's Homelessness and Housing Support Services, who have identified a need for additional temporary accommodation.
- The proposal benefits from the presumption in favour of sustainable development, as set out in Scottish Planning Policy. A full assessment demonstrating this is included in the Planning Supporting Statement, initially submitted in support of the application. In this instance, this is a "significant material consideration" in support, and policy dictates that planning permission should be granted unless adverse impacts "significantly and demonstrably outweigh its benefits".
- The proposal enables the building to be used in a way that provides significant social and economic benefits, and allows the Council to meet its statutory duty to house people assessed as being owed a duty to house. This is particularly pertinent in light of the current cost of living crisis that may push many households into financial difficulty and, regrettably, potential homelessness.
- The proposal would explicitly not result in the premises being used as tourist accommodation or mainstream residential housing. The proposal received no objections from Council consultees or members of the public.
- The planning department refused the application, citing impact on the amenity of student residents. The planning department chose not to accept a proposed compromise from the applicant in the form of a new condition that would have ensured no students were in the property at the same time as short-stay residents.
- The planning department has provided no evidence to support its claim that student residents would experience a decline in amenity as a result of the proposal, and certainly not to the extent that it outweighs the presumption in favour of sustainable development. A proposed mitigation measure put forward by the applicant to address this issue was disregarded by the planning department.
- The social and economic benefits of the proposal and its status as sustainable development are significant material consideration that have not been considered by the Planning department or been given appropriate weight in the decision-making process.
- Furthermore, the proposal is for an extension of an existing, already-consented use at the property. It had previously been found acceptable to the planning department.
- The proposal has not been given fair assessment and the relevant provisions of Scottish Planning Policy have been incorrectly applied. Therefore, the Planning Officer's decision should be overturned and the Section 42 application should be Granted.
- The applicant is amenable to the imposition of a new condition relating to mix of occupants and the use of the building at any given time.



1.00 Introduction

- 1.01 This Statement of Review is submitted in support of a Notice of Review in relation to planning application reference 22/03465/FUL, which City of Edinburgh Council's planning department refused under delegated powers on the 14th October 2022. This has been prepared and submitted on behalf of The Housing Network (the Applicant).
- 1.02 The application subject to this review is a Section 42 application for variation of condition, relating to consent previously granted at the application site under application reference 21/04098/FUL.
- 1.03 This Statement of Review sets out the background to the proposal and a summary of the application process, including discussions with the Planning Officer and their subsequent reasons for refusal. The Statement also sets out the justification to support the Notice of Review Against the refusal of the planning application.
- 1.04 This Statement should be read in conjunction with the Notice of Review Form and the documents submitted in support of the Review (outlined in the List of Documents enclosed with this submission).
- 1.05 This Review Statement contains the following sections:
2. Site Description and Background to Proposal
 3. Description of Proposed Development
 4. Determination of Application
 5. Grounds of Review
 6. Conclusions



2.00 Site Description and Background to Proposal

Site Description

- 2.01 The review site comprises the first, second, third, and fourth floors of 555 Gorgie Road. The building itself is a five-storey mixed-use building located on a significant arterial road route in the southwest of Edinburgh. Gorgie Road (A71) becomes Stenhouse Road, and then Calder Road, a short distance west of the site, and links directly to Dalry Road (A70) to the east in the Dalry/Haymarket area of Edinburgh.
- 2.02 The site is located in an area of a mix of uses, with retail, office, commercial leisure, industrial, and residential uses all being located within close proximity of the site.
- 2.03 The application site specifically comprises the four upper-most floors of the building. The building is in mixed-use, with the ground floor being in commercial use as a car showroom, and the upper floors being currently used purely as student accommodation and short-term residential accommodation.
- 2.04 The upper floors have permanent consent as student accommodation, and are configured to offer individual residential accommodation. The first-floor features 12 “post grad units”, consisting of individual apartments with separate rooms. Each features a bedroom, kitchen/living area, and bathroom. These 12 apartments can house up to 24 people.
- 2.05 Floor 2 has 22 apartments, while floors 3 and 4 each have 17 apartments, which each feature a combined bedroom/living/dining/kitchen space, and en suite bathroom. Overall, there are 57 one-bedroom apartments, and 11 two-bedroom apartments.

Background to Proposal

- 2.06 Application reference 21/04098/FUL permitted the use of the upper floors of 555 Gorgie Road as a hybrid of student accommodation and short-stay accommodation for let to non-students at any time of year. This was Granted on the 1st November 2021, with the following single condition (Condition 1):
- “Permission is granted for a limited period of 2 years from the date of this consent. The use hereby approved shall cease prior to or on the date of expiry of the limited period of consent. The land and buildings shall be restored to its previous use within 3 months of the cessation of the development.”*
- 2.07 The applicant became interested in 555 Gorgie Road earlier in 2022 in response to being appointed by City of Edinburgh Council to source and manage accommodation for households where the Authority owes a duty to provide temporary accommodation. City of Edinburgh Council has a statutory duty to provide temporary accommodation to households who meet necessary eligibility criteria, which includes being homeless or at risk of homelessness. Due to the current cost-of-living challenges, those at risk of homelessness increasingly includes working households who find themselves in a challenging situation. The applicant is a recognised and experienced provider of such services.
- 2.08 Due to recent legislative changes, it is no longer deemed suitable for those entitled to temporary accommodation to be accommodated in B+B style accommodation.



555 Gorgie Road therefore fulfilled the requirements as it is designed and fitted out to accommodate students on a semi-permanent basis (i.e. through term time). The property had extant planning consent that permitted the use of the premises for use by both students and non-students, albeit for a temporary period of two years.

- 2.09 City of Edinburgh Council's requirements are to provide accommodation for a period of five years. The proposed contract between the Council and the applicant is therefore for this duration.
- 2.10 Graham + Sibbald's planning department was consulted on the best way to approach this requirement in terms of securing the existing use of the building for the required five-year term.
- 2.11 Informal discussions were held with Jackie McInnes, Senior Planner in the Locals 2 and Householders team on the 26th May 2022. Ms McInnes was emailed as it was understood she had previously had discussions with Jillian Edwards of the Council's Housing Support Services with regards to the use of 555 Gorgie Road for the proposed purpose.
- 2.12 A response was received from Ms McInnes on the 31st May 2022. This confirmed that seeking a Section 42 application amending the condition setting the time restriction on the consent would be the appropriate way to achieve the desired outcome. Ms McInnes stated that temporary permissions were typically not granted for periods of more than 3 years, so justification for a 5-year use would need to be provided.
- 2.13 Subsequently, application reference 22/03465/FUL was submitted and sought to vary this condition to permit the use of the premises for the same purpose to be extended up to a period of 5-years from date of it being granted. This was sought explicitly to enable the property to be used by the applicant to service a contract with City of Edinburgh Council's Housing Support Services. It was made clear through the submission, and is repeated in this appeal submission, that the proposal would not be for the use of the premises as short-stay tourist or holiday accommodation, nor mainstream residential. The applicant is happy for this to be explicitly stipulated as a condition in any consent.



3.00 Description of Proposed Development

The Housing Network Operation

- 3.01 The Housing Network (the applicant) has been appointed by City of Edinburgh Council's Housing Support Services to procure and manage temporary accommodation for households where a duty to accommodate is owed by the Council. The appointment of The Housing Network (THN) to provide these services is conditional on the approval of the accommodation at 555 Gorgie Road to be available for use by non-students for the full five-year term.
- 3.02 THN notes that, although use of the units to individual households is by its nature temporary, turnover of the individual units will be low, as the average length of stay in such accommodation is approximately 5 months. However, in some cases it can be significantly more, and it can take up to two years or more for some to be offered alternative accommodation. It is therefore the case that residency at the accommodation will typically be less transient than the current student cohort.
- 3.03 The accommodation provider, in this case the applicant, has a contractual duty to ensure the site has a Property Manager present 24-hours-a-day, to oversee services such as booking households in and out, reporting repairs and maintenance, and making referrals to Commission Support Services. The presence of Property Managers on site 24-hours-a-day is also intended to minimise the risk of anti-social behaviour arising.
- 3.04 THN is a trusted provider of accommodation, and manages over 1,200 self-contained properties and 550 shared accommodation units in more than 65 local authorities across the UK. THN is already a significant provider of commissioned temporary accommodation to City of Edinburgh Council, housing over 500 people each night.
- 3.05 THN works exclusively with public sector organisations to provide self-contained temporary accommodation, supported HMOs, and other types of specialist accommodation. They have developed an extensive network for identifying and sourcing appropriate properties for social housing use, and long-standing experience and expertise in managing and maintaining these properties.
- 3.06 Separately, the applicant is also a provider of accommodation to ex-offenders in England under the Ministry of Justice's CAS3 programme, demonstrating their experience in dealing with some of the most complex and challenging resident profiles. THN has experience dealing with residents from a variety of backgrounds and with varying life experiences, including ex-offenders and rough sleepers, and recognises the complex and multiple needs of these individuals. Through a culture of no-judgement and second chances, THN seeks to provide accommodation for all individuals to help them find permanent housing and stability.

Proposed Development

- 3.07 As discussed above, the proposal relates to planning consent ref: 21/04098/FUL. This Permission is a currently-live temporary consent for the site that allows its flexible use as both student accommodation and short-stay accommodation for a temporary period of 2 years. Condition 1 states:



“Permission is granted for a limited period of 2 years from the date of this consent. The use hereby approved shall cease prior to or on the date of expiry of the limited period of consent. The land and buildings shall be restored to its previous use within 3 months of the cessation of the development.”

- 3.08 The current temporary consent was granted in November 2021 for a period of 2 years, so will expire in November 2023. This Variation of Condition application seeks to amend Condition 1 to allow this use to continue for 5 years. This would be for a period of 5 years from the point of a consent being granted, as the temporary use is required until circa November/December 2027. This is welcomed by City of Edinburgh Council’s Housing Support team as it will guarantee them supply for an extended period, allowing them to plan more effectively and confidently for the coming years.
- 3.09 This will allow the premises to be used as a mix of short-stay accommodation and student accommodation in order to service a contract between the applicant and City of Edinburgh Council. This contract is to provide temporary accommodation for households assessed as being owed a duty to be accommodated in Edinburgh. The term of this contract is 5-years, ending approximately in late 2027.
- 3.10 For the avoidance of doubt, the “short-stay accommodation” proposed would not be for use as holiday lets, mainstream residential accommodation or student accommodation when being used under contract to Edinburgh City Council. The applicant is happy for this to be explicitly stipulated as a condition in any consent.
- 3.11 In the Planning Statement accompanying the original application 21/04098/FUL, the use was described as involving the potential occupants *“living in the same manner as students in the form of managed accommodation. They will be living independently and do not require any element of care ... It is operated like a hostel and yet occupants have their own private living space in the form of a small bedsit”*. This consented arrangement will continue as part of this proposal to extend the use for five years. Though residents will live independently and there is no “care” element, on-site support and supervision will be part of the proposed operation of the premises.
- 3.12 The proposal would involve no physical alterations to the premises, as the existing layout and fit out of the accommodation is already suitable. This application relates solely to the use of the premises, extending its currently consented use for a period of five years from the date of consent.
- 3.13 The applicant has also suggested that, if there are concerns about the mix of students and short-stay residents in the building at the same time, that the condition be varied, or a new additional condition be added, to require the building to only be in use by one group or the other at any one time, and never both at the same time, for example:
- “Permission is granted on the basis that for the five-year term the premises is used only as student accommodation or short-stay accommodation at any one time, and is not in use by both types of user simultaneously.”*
- 3.14 This compromise was proposed to the Planning Officer during the determination period when similar concerns did arise.



Need for Short Stay Accommodation and 5-year Term

- 3.15 The proposal intends to enable the existing use of the premises, as a mix of student accommodation and short stay accommodation, to be extended for five years. This consent is currently due to expire in November 2023, and the proposal would see this extended to five-years from the date of an approval being granted, assumed to be approximately December 2027. This will allow the premises to be used to service a contract agreed between The Housing Network and City of Edinburgh Council for the provision of short stay accommodation to house households where a statutory duty to house exists. While the premises will also retain the option to be used as student accommodation (the permanent consented use at the site), it is not envisaged that this will be the primary use during the five-year term of the contract, and in any event will not be used contemporaneously.
- 3.16 The number of households assessed as homeless in Edinburgh has increased almost 30% on levels prior to the Covid-19 pandemic. Approximately 4,525 people in Edinburgh currently live in temporary accommodation.
- 3.17 City of Edinburgh Council has a statutory duty to provide temporary accommodation to people under Part II of the Housing (Scotland) Act 1987. There is difficulty in finding suitable accommodation in Edinburgh as a result of widely acknowledged pressures on the housing market from a variety of sources.
- 3.18 The high level of demand for this type of accommodation, and constrained supply has led City of Edinburgh Council to use hotel rooms and bed & breakfasts to fulfil this need.
- 3.19 In May 2020, the Scottish Government brought into force the Homeless Person's (Unsuitable Accommodation) (Scotland) Order 2020 – often referred to as the Unsuitable Accommodation Order (UAO). This sets out that no household can be placed in temporary accommodation for more than 7 days if it does not meet appropriate minimum standards.
- 3.20 Practically, these minimum standards exclude B&B accommodation, hostels, shelters, and commercial hotels. This type of lodging is only intended as visitor accommodation and not designed for temporary housing. Using this type of accommodation to house households for longer than 7 days is a breach of the UAO.
- 3.21 Therefore, the Council has a requirement to identify and secure the use of alternative accommodation that does not breach the UAO. It is on this basis that the application property has been identified as a potential suitable option.
- 3.22 Approval of this application would enable the use of the premises for the existing consented purpose for five years, specifically to service a contract agreed in-principle with City of Edinburgh Council, who has identified a need for the accommodation such as that available in proposal site.
- 3.23 It is noted that this is longer than some temporary consents Granted in Edinburgh, but there are regarded to be proposal-specific circumstances that warrant an extension to this norm.
- 3.24 The applicant has been in discussions with the landlord to secure the use of this property for use as temporary accommodation. This has been offered on a 5-year



lease, and for commercial reasons the landlord is unable to offer a reduction on this. The applicant taking on this lease is dependent on the proposed use being in place for the full term of five years, and therefore certainty and confirmation that the premises can be utilised for the full five years is required up front.

- 3.25 Furthermore, there are cost implications for the applicant, such as hiring staff, arranging contracts with suppliers, and the lease cost itself, that mean a term of less than five years is not financially viable.
- 3.26 Finally, and perhaps most significantly, the 5-year term has been specified by City of Edinburgh Council's Homelessness and Housing Support Services team. This is based on analysis of projected need and demand in Edinburgh, having noted that demand for short-stay accommodation of this type in Edinburgh has risen year-on-year and that this is predicted to continue in the coming years. It is on this basis that a 5-year contract for the provision of housing has been deemed necessary and tendered for. This will help City of Edinburgh Council plan and manage their supply of accommodation more effectively over the medium term.
- 3.27 As noted above, the Edinburgh accommodation market is subject to unique pressures that few other cities in Scotland are, specifically from high demand for tourist accommodation. Therefore, acquiring appropriate accommodation for the use of people in housing-need is challenging. Longer-term certainty that a specific premises can be used for this purpose is therefore necessary and provides confidence and stability for both the Council, who have a statutory requirement to house such individuals, and the individuals themselves, who can use this to find permanent employment and housing.
- 3.28 At the end of the 5-year contract and 5-year consent, the premises would return to sole use as student accommodation, as is the property's permanent use class.



4.00 Determination of Application

4.02 The application was submitted on the 5th July 2022. It was registered as valid on the same date, under the reference number 22/03465/FUL.

4.03 The application submission comprised of the following documents:

- Planning Application Form
- Planning Supporting Statement (Graham + Sibbald)
- Location Plan (Graham + Sibbald)
- Floor Plans – First-fourth Floor (Format Design)
- Letter of Support (City of Edinburgh Council)

4.04 Copies of the above application documents are provided as review documentation to support this submission to the Local Review Body.

4.05 There were no objections to the application from any of the Council's internal or external statutory consultees. There were also no objections from members of the public.

4.06 A request for an update on the application and to discuss any outstanding issues was made to the Planning Officer in August 2022. A response was received via email on the 25th August from Lewis McWilliam, the assigned Planning Officer on the application. Mr McWilliam's response highlighted that there was concern that the proposed flexibility between student and short-stay use could create impacts on students living in the premises.

4.07 Mr McWilliam acknowledged that "both uses are more transient in nature than normal residential accommodation, however, there would be a greater degree of protection afforded to the amenity of student residence than short term use as a more permanent place to stay and study during term times".

4.08 In recognition of this, a response was issued to Mr McWilliam on the 26th August. This acknowledged the concerns raised in the previous email, but highlighted this mix had previously been consented by the Council.

4.09 A compromise was proposed in the form of amending the condition to allow flexibility between student accommodation and short-stay use for families who were owed a duty by the Council, but only on a whole-building basis. This would allow the building to be used for one or the other, but not both purposes at any one time, therefore avoiding a conflict between students and temporary residents.

4.10 The applicant and landlord had both indicated this was acceptable to them, as it meant that in the event of City of Edinburgh Council having lower than anticipated requirement for the accommodation, the building could be reverted to student accommodation for upcoming term-time.

4.11 It was further highlighted that the proposal would have significant social and economic benefits for the local community by providing temporary accommodation for households in need who are owed a statutory duty under existing housing legislation. This was argued to be a significant material consideration in favour of the



proposal that justified consent being granted and the longer-than-usual 5-year temporary term.

- 4.12 On the 15th September, a response was received from Mr McWilliam, continuing to oppose the proposal and rejecting the flexibility proposed above. It was advised that the Planning department “would not be able to vary the condition to enable this flexibility as suggested”. It was further advised by Mr McWilliam that the application would progress for a recommendation for Refusal on the basis that the proposal remained unacceptable to the department.
- 4.13 A response was issued to Mr McWilliam on the same day, clarifying that the proposed amendment would remove the issue of students and non-students potentially coming into conflict as only one type of user would ever be present in the building at the one time. The response also emphasised the social benefit of the proposal, particularly in the context of the ongoing cost of living crisis that will force more households to homelessness, and asked Mr McWilliam to reconsider his assessment. It was offered to have a telephone conversation with Mr McWilliam to discuss potential compromises that would allow the development to come forward.
- 4.14 A follow up to the above was sent on the 21st September, asking if any further thoughts on potential compromises had been considered, or if the significant material considerations were now regarded to be sufficient to outweigh the other concerns.
- 4.15 Despite confirmation that under the proposed arrangement there would be no scenario where the accommodation would be occupied by both students and individuals placed there by City of Edinburgh Council, Mr McWilliam responded on the same day to advise that concern remained from the Council about how the split would be monitored between the two uses, and how this would be enforced practically. It was stated that the recommendation for Refusal had not changed. Confirmation was requested by Mr McWilliam whether the application was to be withdrawn or the application would be taken to determination.
- 4.16 In responding to this on the 22nd September, it was highlighted that there would be a 24-hour on-site manager, as indicated in the initial Planning Supporting Statement. Records of the current occupancy would be kept at the reception desk, and these could be checked at any time by the Council. Additionally, it was proposed that written notice could be given to the Planning department whenever the nature of the occupants was to change. A general query was also made as to whether the proposal could be supported as a Change of Use, rather than a Section 42, to ascertain whether the issue was procedural.
- 4.17 A reply was received on the 28th September, with Mr McWilliam advising that the specific day-to-day management of the premises would be out of the planning application’s consideration. On the issue of whether a Change of Use would be supported, Mr McWilliam advised that the overall acceptability of the use in the area remained ambiguous, with the key consideration being residential amenity, though no further detail was offered on this.
- 4.18 On the 5th October, it was advised to Mr McWilliam that the application was requested to be determined, understanding that the outcome of this was likely to be Refusal. A decision notice to this effect was received on the 14th October 2022. There was one reason for Refusal given:



1. *The proposal is contrary to LDP policy Hou 7 (Inappropriate Uses in Residential Areas) as it will have a materially detrimental effect on the living conditions and amenity of student residents.*



5.00 Grounds of Review

5.01 As detailed in section 4 of this Statement, the planning application was refused on a single reason for refusal. This, and additional relevant discussion from the Report of Handling, will be discussed below. The appellant disputes the reason given for Refusal.

5.02 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires that applications for planning permission are determined in accordance with the development plan, unless material considerations indicate otherwise.

5.03 The relevant development for the site is the Edinburgh Local Development Plan, adopted November 2016.

Reason for Refusal 1

5.04 Policy Hou 7 (Inappropriate Uses in Residential Areas) is used as the sole reason for Refusal. This was also the key determining Policy for the original application at the premises that permitted the original temporary Change of Use (ref: 21/04098/FUL).

5.05 Policy Hou 7 states:

“Developments, including Change of Use, which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted.”

5.06 The Report of Handling discusses the proposal with regard to Policy Hou 7 and states that the arrangement of accommodation and communal spaces within the premises may raise the possibility of direct interaction between students and short-stay users of the accommodation. The more transient nature of the short-stay accommodation residents in comparison to students is identified as a potential source of conflict. The report states that “transient visitors may have less regard for the residential amenity of neighbours in the building than students given the more permanent nature of the [student accommodation] use”.

5.07 The Report goes on to identify that there are residential properties nearby in the wider area, but that there would not be any impact on the amenity of local residents outwith the building. Therefore, the proposal’s considered contradiction to Policy Hou 7 is regarded to extend only to student residents within the proposal premises.

5.08 The application is for the extension of an already-consented use at the property for a further period of five years. This indicates that the Council has previously found the proposed mix of uses acceptable, and this was the case only 11 months before the refusal of this application. The Report of Handling acknowledges this, and claims that the reason for this was that the decision was made in a different context where the Coronavirus afforded a greater degree of flexibility and market conditions were different.

5.09 However, this is disputable as the decision was not made in the height of the Covid-19 pandemic. In November 2021, the pandemic and associated restrictions were waning and lessening in severity. The granting of the consent for a period of two years was therefore reasonably done so in the understanding that the then-present, or previous, conditions were highly unlikely to persist for very long, and certainly not for the full duration of the 2-year term consented. The context in which application



21/04098/FUL was determined is therefore not regarded to be vastly different from that in which application 22/03465/FUL was refused.

- 5.10 It would therefore have been reasonably predicted that students could be permitted to return to accommodation within the 2-year term of the consent, and therefore the potential conflict on which the refusal of 22/03465/FUL has been based could have arisen at this time. Application 21/04098/FUL was nonetheless Granted. This is indication that the two applications have been assessed to different standards despite being for the same proposal.
- 5.11 Nonetheless, the applicant had proposed potential amendments or variations to the proposal in order to fully address and mitigate any concern around this issue. When this potential issue was identified during the determination of the application, an amendment to the proposal was suggested by the applicant in the form of allowing flexibility in the use only on a 100% of the units basis. In practice, this would mean that the property was only ever in use by students or those placed in the accommodation by City of Edinburgh Council, but never both at the same time. It is averred that this will fully mitigate the issue of conflict between users, as they would never be in the property at the same time.
- 5.12 However, this proposed amendment was not accepted by the Planning Officer, on the grounds that the use of the property at any given time could not be monitored by the Council. Potential solutions to this were then proposed to the Planning Officer, including that a notice could be submitted whenever the property went from being used as short-stay accommodation to student accommodation (or vice versa). This suggestion was also dismissed.
- 5.13 Furthermore, the logic applied in the Report of Handling, that the residents placed in the accommodation by the Council may be more “transient” than students is regarded to be flawed, and no evidence is provided to support this. The Report claims that such residents would have “less regard for the residential amenity of neighbours”. This is similarly not backed-up with any evidence, and implies a negative generalisation regarding the character of residents placed by the Council. As stated previously, such residents have varying lengths of stay in such facilities, with some being over 12 months and up to 24 months. This is in fact less-transient than student residents, who may only be in the accommodation for 6-9 months.
- 5.14 The proposal was refused on the grounds of non-compliance with Policy Hou 7. However, this does not take into account that reasonable compromises that would have allowed the proposal to go ahead and mitigate this perceived non-compliance were proposed and disregarded by the Planning Officer. The reasoning for these to be disregarded (that the planning authority would not be able to monitor or control the implementation of such a proposition) is unconvincing; planning conditions restricting the use or activity at a premises are routine and it is unclear how the proposal would differ from other such instances of planning conditions being used to limit a particular activity at a premises. Furthermore, under the terms of the contract with City of Edinburgh Council, the Council would have the right to exclusive use of the property.
- 5.15 The Report of Handling concludes that “the proposal does not comply with Policy Hou 7 as the change of use of this property to a short-term visitor let would materially harm neighbouring amenity. There are no material considerations that outweigh this conclusion”.



5.16 Notwithstanding that the non-compliance with Hou 7 is disputed as above, this conclusion indicates that the proposal has not been fully understood by the planning authority. Despite numerous references throughout the submission that the development is for use by City of Edinburgh Council to house those who they owe a statutory duty, it is referenced here as “a short-term visitor let”. This is factually inaccurate.

5.17 Furthermore, the conclusion refers to the proposal as a “change of use”. Again, this is not correct. The proposal is for the extension of an existing use for a temporary period of five years. Both of these matters are concerning as they suggest that the Planning department has made their assessment based on a significant misapprehension about the nature of the proposal.

Material Considerations

5.18 As stated above, the Edinburgh Local Development Plan is the current LDP for Edinburgh, having been adopted in November 2016. However, Section 16 of the Planning etc. (Scotland) Act 2006 requires a planning authority to review the Local Development Plan at intervals of no more than five years. The Edinburgh Local Development Plan therefore should have been replaced before November 2021, and is no longer up to date.

5.19 In this event, Paragraph 33 of the Scottish Planning Policy (SPP) states that the presumption in favour of sustainable development becomes a “significant material consideration”. The specific criteria of what constitutes sustainable development are set out in paragraph 29 of the SPP. A full assessment of the proposal against these criteria was carried out in Table 2 of the Planning Supporting Statement, so will not be repeated here, but the key points are:

- The proposal is economically sustainable, and has significant economic benefits. There are large costs caused by citizen being without housing, which results in pressures on health services and policing. The proposal mitigates these, and has longer term economic benefits in supporting individuals to have stable and safe accommodation and subsequently re-enter employment. This supports objectives and outcomes in the Edinburgh Economy Strategy.
- The proposal is for the re-use of an existing building, which contributes to environmental sustainability outcomes by mitigating the need for new-build development.

5.20 The determination of the application has not given fair weight to the proposal as sustainable development. This is required to be accorded “significant” weight as a result of the provisions of SPP paragraph 33, and yet there is no evidence in the Report of Handling that it has been afforded any consideration. The Report concludes that “there are no material considerations that outweigh this conclusion”, but this is not regarded to be true.

5.21 Recent court decisions in Scotland have shed light on the “tilted balance” principle. The result of this is that, where a development plan is out of date, the presumption in favour of sustainable development becomes a significant material consideration, and the specific weight applied to this “presumption in favour” is such that permission should be granted unless there are “adverse impacts which would significantly and demonstrably outweigh its benefits”.



- 5.22 It is not considered that the Planning department has satisfactorily demonstrated the significance (or even existence) of the perceived adverse amenity impacts they have used as the basis to refuse consent in this instance, specifically not to the extent to outweigh the proposal's status as sustainable development or other social and economic benefits that comprise material considerations.
- 5.23 While the specific manner of attributing weight and significance is somewhat subjective and is not formally defined, the Planning Supporting Statement went into a large amount of detail justifying the proposal as sustainable development, and providing background and context sufficient to allow an informed assessment of the impact of the proposal. Conversely, the Report of Handling offers little demonstration of the same, and is based wholly on an assumption about amenity impacts that is not backed up with any evidence. This is not regarded to meet the requirements that the "adverse impacts" must be 'significant' and 'demonstrable' to outweigh the presumption in favour of sustainable development that this proposal benefits from.



6.00 Summary + Conclusions

- 6.01 This Statement of Review is submitted in support of a Notice of Review against the refusal of application 22/03465/FUL for variation of condition to permit Sui Generis use of premises as Student Accommodation and Short-stay Accommodation for let to non-students at any time of year for a temporary period of 5 years at 555 Gorgie Road, Edinburgh, EH11 3LE.
- 6.02 The proposed use has been justified in detail. It is considered that the proposal has significant social and economic benefit that has not been given due consideration. The proposal also benefits from the presumption in favour of sustainable development as set out in Scottish Planning Policy, which has not been fairly applied.
- 6.03 The Planning department considered that the proposal did not accord with the Local Development Plan. Potential amendments were proposed and suggested that would have mitigated the concerns raised by the Planning department. However, the Planning department has been unwilling to consider these and been unreasonably inflexible in their approach to this application.
- 6.04 The Report of Handling is worded in a way that suggests a fundamental misapprehension on the part of the Planning department in their understanding of the proposal.
- 6.05 It is reiterated that the proposal has significant social and economic benefits, and is sought to address a need identified by City of Edinburgh Council. The proposal has been explicitly supported by City of Edinburgh Council's own Housing and Homeless Services department, who see this as a potentially important part of securing safe and suitable accommodation for their medium term needs. It will enable the property to accommodate households assessed being owed a duty to accommodate at a time when need for such accommodation may increase due to the ongoing cost of living crisis. The Council has a statutory duty to provide suitable accommodation, and this proposal will actively enable this duty to be fulfilled.
- 6.06 The proposal benefits from a presumption in favour of Sustainable Development, as defined in Scottish Planning Policy. On this basis, there is a presumption in favour of planning permission being granted unless adverse impacts would "significantly and demonstrably outweigh its benefits". The Planning department has neither demonstrated the existence of, or significance of, adverse impacts sufficient to outweigh the benefits of the proposal.
- 6.07 For the above reasons, it is requested that the refusal is overturned, and the proposed variation of condition Granted. The Local Review Body may find it pertinent to append the new decision notice with a condition to restrict use of the property to 100% of the units as either student accommodation or short-stay accommodation at any given time, as previously proposed by the applicant. The Local Review Body may further find it useful to append the new decision notice with a further condition that any change from either student accommodation to short-stay accommodation or vice versa at any given time, must be notified to it in writing.
- 6.08 Should you have any queries in relation to this Review, please do not hesitate to contact Murray Rankin, Senior Planner, in the Planning and Development team at Graham + Sibbald on 07803 896942, or murray.rankin@g-s.co.uk.



Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100579145-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- ☐ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☒ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

Please provide the application reference no. given to you by your planning authority for your previous application and the date that this was granted.

Application Reference No: *

21/04098/FUL

Date (dd/mm/yyyy): *

01/11/2021

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Section 42 Application for Variation of Condition 1 of Planning Permission ref: 21/04098/FUL to permit Sui Generis use of premises as Student Accommodation and Short-stay Accommodation for let to non-students at any time of year for a temporary period of 5 years

Is this a temporary permission? *

☒ Yes ☐ No

Description of Proposal Cont.

Please state how long permission is required for and why: * (Max 500 characters)

Five years, in order to enable the implementation of a contract with City of Edinburgh Council to house households assessed as homeless

If a change of use is to be included in the proposal has it already taken place? (Answer 'No' if there is no change of use.) *		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has the work already been started and/or completed? *		
<input type="checkbox"/> No <input type="checkbox"/> Yes – Started <input checked="" type="checkbox"/> Yes - Completed		
Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *		01/11/2021
Please explain why work has taken place in advance of making this application: * (Max 500 characters)		
The use is already in place as it was consented under application ref: 21/04098/FUL. This application relates to the extension of the temporary period to a term of 5 years		

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Graham + Sibbald		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Murray	Building Name:	
Last Name: *	Rankin	Building Number:	233
Telephone Number: *	0141 332 1194	Address 1 (Street): *	St Vincent Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	UK
		Postcode: *	G2 5QY
Email Address: *	murray.rankin@g-s.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

☐ Individual ☒ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="256"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Capability Green"/>
Company/Organisation	<input type="text" value="The Housing Network"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Luton"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="LU1 3LU"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="murray.rankin@g-s.co.uk"/>		

Site Address Details

Planning Authority:	<input type="text" value="City of Edinburgh Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Upper Floors 555 Gorgie Road Edinburgh EH11 3LE

Northings	<input type="text"/>	Easting	<input type="text"/>
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Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☐ Meeting ☐ Telephone ☐ Letter ☒ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Informal advice was sought from Ms McInnes about the correct method of obtaining the required use of the premises. Ms McInnes agreed that a Section 42 application was appropriate to enable its longer-term use for the required purpose, as this was already consented

Title:

Ms

Other title:

First Name:

Jackie

Last Name:

McInnes

Correspondence Reference Number:

Date (dd/mm/yyyy):

31/05/2022

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

0.10

Please state the measurement type used:

☒ Hectares (ha) ☐ Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Currently consented for sui generis use as student accommodation and short-stay accommodation for let to non-students at any time of year

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

☐ Yes ☒ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

☐ Yes ☒ No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?	<input style="width: 80%;" type="text" value="0"/>
How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *	<input style="width: 80%;" type="text" value="0"/>
Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).	

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * ☐ Yes ☒ No

Do your proposals make provision for sustainable drainage of surface water?? * ☐ Yes ☒ No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

☐ Yes

☐ No, using a private water supply

☒ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * ☐ Yes ☒ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * ☐ Yes ☒ No ☐ Don't Know

Trees

Are there any trees on or adjacent to the application site? * ☐ Yes ☒ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? * ☐ Yes ☒ No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 * ☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * ☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? * ☐ Yes ☒ No

Is any of the land part of an agricultural holding? * ☒ Yes ☐ No

Do you have any agricultural tenants? * ☐ Yes ☒ No

Are you able to identify and give appropriate notice to ALL the other owners? * ☒ Yes ☐ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate B

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Address:

McTaggart Properties LtdThain House, 226, Queensferry Road, Edinburgh, Scotland, EH4 2BP

Date of Service of Notice: *

05/07/2022

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Name:

Address:

Date of Service of Notice: *

Signed: Murray Rankin

On behalf of: The Housing Network

Date: 05/07/2022

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☒ Yes ☐ No ☐ Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

☐ Site Layout Plan or Block plan.

☐ Elevations.

☒ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Murray Rankin

Declaration Date: 05/07/2022

Payment Details

Online payment: 05/07/2022 14:00:00; 26;

Payment date: 05/07/2022 14:00:00

Created: 05/07/2022 14:17

Planning Supporting Statement

Section 42 Application to extend use of premises as Student Accommodation and Short Stay Accommodation (Sui Generis) for a temporary period of 5 years

1st – 4th Floors

555 Gorgie Road

Edinburgh

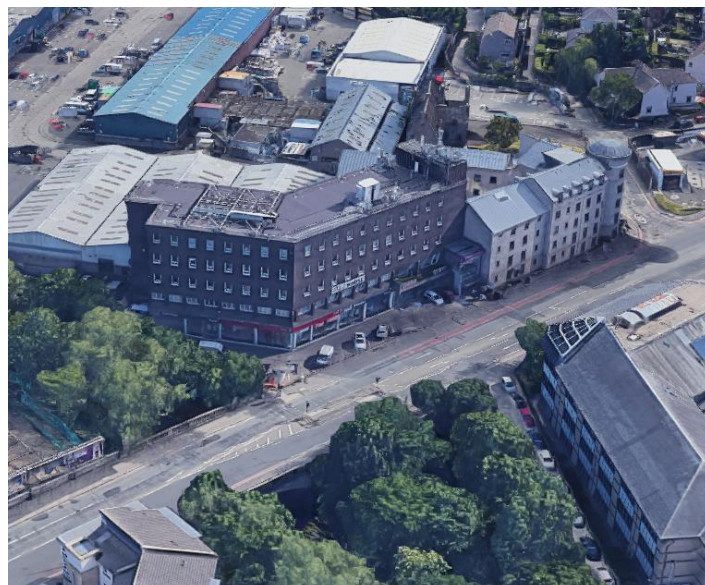
EH11 3LE

Prepared by Graham + Sibbald LLP

On behalf of **The Housing Network**

Date: 05/07/2022

Our Ref: MR/2022/05/0346





Quality Assurance

**This report has been prepared within the quality system operated at
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1.00 Introduction

1.01 This Planning Supporting Statement has been prepared on behalf of The Housing Network (the applicant) in support of the Section 42 application to extend the temporary use of student accommodation (Sui Generis) as short-stay residential accommodation (Sui Generis) for a period of 5 years at 555 Gorgie Road, Edinburgh, EH11 3LE.

1.02 This Planning Supporting Statement begins with a description of the site and the proposed development. The relevant planning history is then covered, followed by a summary of pre-application discussions held with City of Edinburgh Council. The Statement then assesses the proposal against planning policy requirements and material considerations, and provides planning justification to support this development.

1.03 The Planning Supporting Statement contains the following sections:

2. Description of Proposed Development
3. Relevant Planning History
4. Pre-Application Discussions
5. Planning Policy Assessment
6. Summary + Conclusions



2.00 Description of Proposed Development

2.01 This section of the report provides a description of the site at 555 Gorgie Road, Edinburgh, EH11 3LE and the proposed development.

Site Location and Description

2.02 The site is located at 555 Gorgie Road, Edinburgh. The application property is a five-storey mixed-use building located on a significant arterial road route in the southwest of Edinburgh. Gorgie Road (A71) becomes Stenhouse Road, and then Calder Road, a short distance west of the site, and links directly to Dalry Road (A70) to the east in the Dalry/Haymarket area of Edinburgh.

2.03 The application site specifically comprises the four upper-most floors of the building (floors 1-4). The building is in mixed-use, with the ground floor being in commercial use as a car showroom, and the upper floors being in use as various forms of residential accommodation.

2.04 The upper floors have permanent consent as student accommodation, and are configured to offer individual residential accommodation. The first-floor features 12 “post grad units”, consisting of individual apartments with separate rooms. Each features a bedroom, kitchen/living area, and bathroom. Two in the northwest corner of the building have access to balcony space. These 12 apartments can house up to 24 people.

2.05 Floors 2-4 each feature 16 studio apartments, which each feature a combined bedroom/living/dining/kitchen space, and en suite bathroom. Each floor also has a common room in the northwest corner of the floor that features ladies’ and gents’ bathrooms. The 16 studio apartments on each floor can accommodate a maximum of 32 residents per floor.

2.06 A number of units are already in use as short-stay accommodation being let to non-students.

2.07 Each unit, whether apartment or studio, is single-aspect and faces either a northerly or southerly direction. Each floor has a communal staircase at each end, and the west stairwell also features an elevator. Primary access to the upper floors is taken at ground floor level from an entrance facing onto Gorgie Road on this west side of the building.

2.08 The site is located in an area characterised by a mix of uses. To the north is the Stenhouse area, predominantly of residential character featuring a variety of semi-detached and flatted residences. Opposite the application property is 600 Gorgie Road, a mixed-use commercial building currently featuring a PureGym and office space. A short distance to the east Gorgie Road features a number of commercial premises, including a gym, hot food takeaways, retail, and community uses. Residential uses are also located in this area to the south of Gorgie Road, contributing to the mixed character of the area. Adjacent to the south of the application property is an area made up of business, industrial, and storage and distribution uses. Adjacent to the west is a flatted residential building, and beyond this is a petrol filling station and further residential development. HMP Edinburgh is located a short distance to the south west.



Description of Proposed Development

- 2.09 The description of the proposed development is as follows:
- "Section 42 Application for Variation of Condition 1 of Planning Permission ref: 21/04098/FUL to permit Sui Generis use of premises as Student Accommodation and Short-stay Accommodation for let to non-students at any time of year for a temporary period of 5 years"*
- 2.10 The proposed development relates to planning consent ref: 21/04098/FUL. This consent is a currently-live temporary consent for the site that allows its flexible use as both student accommodation and short-stay accommodation for a temporary period of 2 years. Condition 1 states:
- "Permission is granted for a limited period of 2 years from the date of this consent. The use hereby approved shall cease prior to or on the date of expiry of the limited period of consent. The land and buildings shall be restored to its previous use within 3 months of the cessation of the development."*
- 2.11 Further details are provided in Section 3 of this Statement.
- 2.12 The current temporary consent was granted in November 2021 for a period of 2 years, so will expire in November 2023. This Variation of Condition application seeks to amend Condition 1 to allow this use to continue for 5 years. This would be for a period of 5 years from the point of a consent being granted, as the temporary use is required until circa November 2027.
- 2.13 This will allow the premises to be used as a mix of short-stay accommodation and student accommodation in order to service a contract between the applicant and City of Edinburgh Council. This contract is to provide temporary accommodation for households assessed as being homeless in Edinburgh. The term of this contract is 5-years, ending approximately in late 2027.
- 2.14 For the avoidance of doubt, the "short-stay accommodation" would not be for use as holiday lets, and would not be for use as mainstream residential accommodation.
- 2.15 The live consent for this site, 21/04098/FUL permits the use of the building on a temporary basis of two years "as student accommodation and short-stay accommodation for let to non-students at any time of year". While the proposal would extend this for five years, in practice going forward the building is likely to be primarily utilised as short-stay accommodation due to the requirement for it to be used by The Housing Network and service a contract with City of Edinburgh Council, though the existing flexibility will remain for individual rooms to be used as student accommodation where needed.
- 2.16 In the Planning Statement accompanying application 21/04098/FUL, the use was described as involving the potential occupants *"living in the same manner as students in the form of managed accommodation. They will be living independently and do not require any element of care ... It is operated like a hostel and yet occupants have their own private living space in the form of a small bedsit"*. This consented arrangement will continue as part of this proposal to extend the use for five years.



2.17 The proposal would involve no physical alterations to the premises, as the existing layout and fit out of the accommodation is already suitable. This application relates solely to the use of the premises, extending its currently consented use for a period of five years from the date of consent.

2.18 The Planning History is relevant to this proposal, and is discussed in detail in Section 3.

Need for Short Stay Accommodation and 5-year Term

2.19 The proposal will enable the existing use of the premises, as a mix of student accommodation and short stay accommodation, to be extended for five years. This consent is currently due to expire in November 2023, and the proposal would see this extended to five-years from the date of an approved Section 42 application being granted, assumed to be approximately November 2027 (though this will be subject to change). This will allow the premises to be used to service a contract agreed between The Housing Network and City of Edinburgh Council for the provision of short stay accommodation to house households assessed as homeless. While the premises will also retain the option to be used as student accommodation (the permanent consented use at the site), it is not envisaged that this will be the primary use during the five-year term of the contract.

2.20 The number of households assessed as homeless in Edinburgh has increased almost 30% on levels prior to the Covid-19 pandemic. Approximately 4,525 people in Edinburgh currently live in temporary accommodation.

2.21 City of Edinburgh Council has a statutory duty to provide temporary accommodation to people that are homeless under Part II of the Housing (Scotland) Act 1987. There is difficulty in finding suitable accommodation in Edinburgh as a result of widely acknowledged pressures on the housing market from a variety of sources (i.e. a high number of students requiring accommodation, and a very active holiday let market).

2.22 The high level of demand for homeless accommodation, and constrained supply has led City of Edinburgh Council to use hotel rooms and bed & breakfasts to fulfil this need.

2.23 In May 2020, the Scottish Government brought into force the Homeless Person's (Unsuitable Accommodation) (Scotland) Order 2020 – often referred to as the Unsuitable Accommodation Order (UAO). This sets out that no household can be placed in temporary accommodation for more than 7 days if it does not meet appropriate minimum standards.

2.24 Practically, these minimum standards exclude B&B accommodation, hostels, shelters, and commercial hotels. This type of lodging is only intended as visitor accommodation and not designed for temporary housing of the form required to house homeless households. Using this type of accommodation to house households for longer than 7 days is a breach of the UAO.

2.25 Therefore, the Council has a requirement to identify and secure the use of alternative accommodation that does not breach the UAO. It is on this basis that the application property has been identified as a potential suitable option.



- 2.26 Approval of this application would enable the use of the premises for the existing consented purpose for five years. It is noted that this is longer than some temporary consents Granted in Edinburgh, but there are regarded to be proposal-specific circumstances that warrant an extension to this norm.
- 2.27 The applicant has been in discussions with the landlord to secure the use of this property for use as temporary accommodation. This has been offered on a 5-year lease, and for commercial reasons the landlord is unable to offer a reduction on this. The applicant taking on this lease is dependent on the proposed use being in place for the full term of five years, and therefore certainty and confirmation that the premises can be utilised for the full five years is required up front.
- 2.28 Furthermore, there are cost implications for the applicant, such as hiring staff, arranging contracts with suppliers, the lease cost itself, and the cost of “deactivation” to return the premises to its previous use at the end of the contract, that mean a term of less than five years is not financially viable.
- 2.29 Finally, and perhaps most significantly, the 5-year term has been specified by City of Edinburgh Council’s Homelessness and Housing Support Services team. This is based on analysis of projected need and demand in Edinburgh, having noted that demand for short-stay accommodation of this type in Edinburgh has risen year-on-year and that this is predicted to continue in the coming years. It is on this basis that a 5-year contract for the provision of housing has been deemed necessary and tendered for.
- 2.30 As noted above, the Edinburgh accommodation market is subject to unique pressures that few other cities in Scotland are, specifically from high demand for tourist and student accommodation. Therefore, acquiring appropriate accommodation for the use of people in housing-need is challenging. Longer-term certainty that a specific premises can be used for this purpose is therefore necessary and provides confidence and stability for both the Council, who have a statutory requirement to house such individuals, and the individuals themselves, who can use this to find permanent employment and housing.
- 2.31 At the end of the 5-year contract and 5-year consent, the premises would be “decommissioned” and returned to use as student accommodation, as is the property’s permanent use class.
- 2.32 In respect of the above, a 5-year extension to this temporary consent is regarded to be necessary, appropriate, and justified at this location.

The Housing Network Operation

- 2.33 The Housing Network (the applicant) has been appointed by City of Edinburgh Council’s Homelessness and Housing Support Services to procure and manage temporary accommodation for households assessed as homeless. The appointment of The Housing Network (THN) to provide these services is conditional on the approval of the accommodation at 555 Gorgie Road to be available for use by non-students for the full five-year term.
- 2.34 CEC notes that, although use of the units to individual households is by its nature temporary, turnover of the individual units will be low, as the average length of stay in such accommodation is approximately 5 months. However, in some cases it can



be significantly more, and it can take up to two years or more for some to be offered alternative accommodation.

- 2.35 The accommodation provider, in this case the applicant, has a contractual duty to ensure the site has a Property Manager present 24-hours-a-day, to oversee services such as booking households in and out, reporting repairs and maintenance, and making referrals to Commission Support Services. The presence of a Property Manager on site 24-hours-a-day is also intended to minimise the risk of anti-social behaviour arising.
- 2.36 THN is a trusted provider of accommodation, and manages over 1,200 self-contained properties and 550 shared accommodation units in more than 65 local authorities across the UK. THN is already a significant provider of temporary accommodation to City of Edinburgh Council.
- 2.37 THN works exclusively with public sector organisations to provide self-contained temporary accommodation, supported HMOs, and other types of specialist accommodation. They have developed an extensive network for identifying and sourcing appropriate properties for social housing use, and long-standing experience and expertise in managing and maintaining these properties.
- 2.38 The applicant is a provider of accommodation to ex-offenders in England under the Ministry of Justice's CAS3 programme, demonstrating their experience in dealing with some of the most complex and challenging resident profiles. THN has experience dealing with residents from a variety of backgrounds and with varying life experiences, including ex-offenders and rough sleepers, and recognises the complex and multiple needs of these individuals. Through a culture of no-judgement and second chances, THN seeks to provide accommodation for these individuals to help them find permanent housing and stability.



3.00

Relevant Planning History

3.01

A search has been undertaken on City of Edinburgh Council's website. The following applications of relevance have been found. No formal planning history search has been requested from City of Edinburgh Council.

Application Reference	Applicant	Description of Development	Decision (Date)
12/03311/FUL	Mr G McMillan	Change of use from Car Showroom/Workshop to Class 6 Storage and Distribution @ 553 Gorgie Road Edinburgh EH11 3XU	Granted (09/11/12)
13/01256/FUL	Edinburgh Letting Solutions	Part change of use of third and fourth floors of Class 4 offices to student accommodation (Sui Generis) @ 555 Gorgie Road Edinburgh EH11 3LE	Granted (27/09/13)
13/01256/VARY	Edinburgh Letting Solutions	Variation for 13/01256/FUL	Varied (22/04/16)
16/04087/FUL	Edinburgh Letting Solutions	Change of use of first floor Class 4 offices to student accommodation (sui generis) @ 1F 555 Gorgie Road Edinburgh EH11 3LE	Granted (25/11/16)
16/04088/FUL	Edinburgh Letting Solutions	Change of use of second floor from vacant office to student accommodation (sui generis) @ 2F1, 2F2, 2F3, 2F4, 2F5, 2F6, 2F7, 2F7a, 2F7B, 2F8, 2F9 555 Gorgie Road Edinburgh EH11 3LE	Granted (09/11/16)
16/04356/FUL	Farmer Autocare	Change of use and alterations to existing building to form new motorist centre @ 553 Gorgie Road Edinburgh EH11 3LE	Granted (03/11/16)
18/00108/FUL	Fraser's of Falkirk Ltd	Retrospective change of use of ground floor to a car showroom (sui generis) @ 553 Gorgie Road Edinburgh EH11 3LE	Granted (06/03/18)
19/03262/PAN	Kiltane Developments Ltd	Proposed student accommodation/ flatted residential/ local retail and class 3 development @ 553 - 555 Gorgie Road And Land 29 Metres North Of 19 Stenhouse Mill Wynd Edinburgh EH11 3LE	Pre-Application Approved (23/07/19)
20/00619/FUL	Kiltane Developments Ltd	Erection of mixed-use development comprising residential flats, purpose-built student accommodation, associated car parking, cycle parking, landscaping and infrastructure; change of use of existing car showroom to class 1 and class 2	Called in by Scottish Ministers; Minded to Grant



		uses (as amended) @ 553 - 555 Gorgie Road Edinburgh EH11 3LE	subject to S75 (17/09/21)
21/02909/FUL	MacTaggart Properties Ltd	Proposed alternative use of student accommodation as residential accommodation, for a temporary period of two years @ 555 Gorgie Road Edinburgh	Withdrawn (25/06/21)
21/04098/FUL	MacTaggart Properties Ltd	Temporary change of use for period of 2 years to permit sui generis use of premises as student accommodation and short-stay accommodation for let to non-students at any time of year @ 1F1-1F12, 2F1-2F22, 3F1-3F17 & 4F18-4F34 555 Gorgie Road Edinburgh EH11 3LE	Granted (01/11/21)

Table 1 – Relevant Planning History

- 3.02 The above planning history sets the context for the current use of 555 Gorgie Road, and some relevant adjacent development. The building has been subject to a number of applications over the last few years that have seen the nature of the use on the upper floors change, but they have always broadly been in some form of Sui Generis accommodation use since 2013.
- 3.03 The upper floors of 555 Gorgie Road have historically been in use as office space (Class 4). This changed in September 2013 when application ref 13/01256/FUL was granted consent for the part-change of use of the 3rd and 4th floor to student accommodation (Sui Generis). This involved the erection of internal partitions, doors, plumbing, etc, to form the individual studio apartments that would serve students. The approved layout of the fourth floor was slightly altered under application 13/01256/VARY to vary the consent. This was approved in March 2016.
- 3.04 Following this, the remaining upper floors, floors 1 and 2, were subject to individual Change of Use applications to change them from office space to student accommodation (refs: 16/04087/FUL and 16/04088/FUL, respectively). These were consented in November 2016, and resulted in the upper floors of the building being fully converted to student accommodation. The applications also involved the internal alterations necessary to allow these buildings to be used as student accommodation, resulting in the internal layout of the upper floors currently present at the premises.
- 3.05 Application 21/02909/FUL was submitted in May 2021, and sought to use all upper floors of 555 Gorgie Road as residential accommodation for a period of two years. This was to enable the use of the units by “people with housing needs”, during the Covid-19 pandemic which had resulted in increased levels of homelessness and simultaneously lower-levels of uptake of student accommodation due to educational institutions employing remote-learning. The proposal was therefore an effort to provide safe and appropriate housing for those who needed it, while making productive use of an under-utilised stock of residential-like accommodation.



- 3.06 A key aspect of this proposal was that it was for the “alternative use” of the premises, rather than a Change of Use that over-wrote the existing consent as student accommodation. A grant of consent would therefore allow units to be let to non-students alongside being let to students.
- 3.07 However, application 21/02909/FUL was withdrawn in June 2021, for unknown reasons. It was then superseded by a new application for the same proposal, application 21/04098/FUL. This application had a different description from the previously withdrawn application, making the flexible nature of the premises approved uses as a student accommodation *and* temporary short-stay accommodation clear.
- 3.08 The supporting statement submitted in support of this second application broadly replicated that of the original submission, and made similar comments relating to the need to diversify the residential offer of the premises for families in need, and a lack of demand from students due to remote learning.
- 3.09 This Statement accompanying application 21/04098/FUL stated that the potential occupants “*will be living in the same manner as students in the form of managed accommodation. They will be living independently and do not require any element of care ... It is operated like a hostel and yet occupants have their own private living space in the form of a small bedsit.*” This was to illustrate that, although there was an alternative use proposed, in terms of the actual operation of the premises there would be very little difference in the way the accommodation was utilised.
- 3.10 Despite being a local-scale application, 21/04098/FUL was determined at committee on the 27th October 2021. It is understood that it had been called-in by an elected member. The Committee Report accompanying the application recommended that consent be Granted. The application was approved at this committee, subject to one condition:
- “Permission is granted for a limited period of 2 years from the date of this consent. The use hereby approved shall cease prior to or on the date of expiry of the limited period of consent. The land and buildings shall be restored to its previous use within 3 months of the cessation of the development.”*

Adjacent Development

- 3.11 Table 1 makes reference to development at 553-555 Gorgie Road. This is the Proposal of Application Notice and subsequent detailed planning application for the “erection of mixed-use development comprising residential flats and purpose-built student accommodation” (refs: 19/03262/PAN and 20/00619/FUL respectively).
- 3.12 The plans associated with this indicate that the works relate to the redevelopment of the large motorcycle garage and service centre adjacent to the south of 555 Gorgie Road, although the ground floor of no. 555 would be converted to provide commercial space and a reception area/entrance to the new development to the rear. The former garage site would therefore be linked directly to Gorgie Road through the formation of this new entrance and passageway.
- 3.13 Application ref: 20/00619/FUL was called in by Scottish Ministers in November 2020 to be determined by the Scottish Government. An Intentions Decision Notice was issued on the 4th October 2021, indicating that the Ministers were minded to Grant



the proposal, subject to an appropriate Section 75 Legal Agreement being established. At this time, this Legal Agreement does not appear to have been agreed, and the application remains formally undetermined.

3.14

Notwithstanding this, the proposed use of the upper floors of 555 Gorgie Road for the existing purpose for an extended period of time is not considered to prejudice the implementation of this development.



4.00 Pre-Application Discussions

Informal Consultation with City of Edinburgh Council

- 4.01 Graham + Sibbald emailed Jackie McInnes, Senior Planner in the Locals 2 and Householders team at City of Edinburgh Council Planning department on the 26th May 2022. Ms McInnes was emailed as it was understood she had previously had discussions with Jillian Edwards of the Council's Housing Support Services with regard to the use of 555 Gorgie Road for the proposed purpose.
- 4.02 The purpose of the enquiry with Ms McInnes was to set out the proposed use of the building, and what The Housing Network hoped to do with the premises. It was also to establish the correct method of achieving this, as the pre-existing temporary consent was known, and it was considered it would be possible to amend this to achieve the desired use of the property. Confirmation was also sought as to whether the Council would support the proposed use of the premises for a period of five years.
- 4.03 The email also sought clarity on why the previous application had gone to a committee-level decision, despite not being significant enough to trigger this.
- 4.04 A response was received from Ms McInnes on the 31st May 2022. This confirmed that a Section 42 application amending the condition setting the time restriction on the consent would be the appropriate way to extend the existing consent. Ms McInnes stated that temporary permissions were typically not granted for periods of more than 3 years, so justification for a 5-year use would need to be provided. The proposal would also need to be clear in terms of the length of time sought.
- 4.05 The current temporary consent was granted at the Development Management Sub-Committee, and Ms McInnes implied this was because it had been called in by the Chief Planning Officer or an elected member, but did not confirm this. It was indicated that this application would be likely to go to a committee decision due to the previous one being determined in this way.
- 4.06 Following the correspondence with Ms McInnes, the decision was taken to proceed with a Section 42 to vary Condition 1 of consent 21/04098/FUL to permit the use of the premises for a temporary period of 5 years.



5.00 Planning Policy Assessment

- 5.01 Section 25 of the Town and Country Planning (Scotland) Act 1997 states that, unless material considerations indicate otherwise, determination of planning applications must be made in accordance with the development plan in force at the application site.
- 5.02 The relevant Development Plan for the application site is the Edinburgh Local Development Plan, adopted in November 2016.
- 5.03 Section 16 of the Planning etc. (Scotland) Act 2006 states that a planning authority must prepare a Local Development Plan, and keep it under review, at intervals of no more than five years. The current Local Development Plan for City of Edinburgh was adopted in November 2016, and therefore should have been replaced before November 2021.
- 5.04 It is noted from the Scottish Government Chief Planner's letter on Development Planning of May 2020 that, as a result of the Covid-19 pandemic, it was expected that some Local Development Plans may remain in place for a longer period of time than usual, and requirements for planning authorities to submit a report to Scottish Ministers explaining why Plans had not been reviewed in the appropriate timescales had been suspended. However, the lifespan of LDPs themselves was not extended as a result of this, and the current Edinburgh LDP remains out-of-date.
- 5.05 In the event of a Local Development Plan not being up to date, Paragraph 33 of the Scottish Planning Policy (SPP) directs that the presumption in favour of sustainable development become a "significant material consideration" in the determination of applications.
- 5.06 The principles of what constitutes 'sustainable development' is set out in Paragraph 29 of the SPP. There are 13 principles as such, and a comment on each of these with regard to this proposal is provided in the below table:

Principle of Sustainable Development	Comment
Give due weight to net economic benefit	<p>The proposal has significant economic benefits that will be realised in a number of ways. The proposal property already has the required consent in place to allow the building to operate for the necessary use. This proposal to amend this consent to permit such a use for a longer period of time is regarded to be more cost-efficient than sourcing an alternative property that does not have the requisite consent in place, and allows this saving to be utilised for more effective purposes.</p> <p>Furthermore, the subject property has experienced a loss of occupancy as a student residence over recent years as a result of a shift to remote learning associated with the Covid-19 pandemic. There has been less requirement for students to be present in Edinburgh, and therefore lower demand for student accommodation. The long-term effects of this are yet</p>



	<p>to become apparent, and it cannot be said with any certainty that the student residential market will return to pre-Covid levels. Therefore, permitting the use of this building for an alternative use for a temporary period of time allows the building to be let-out for the proposed purpose, and ensures the building remains in productive use and generating income.</p> <p>Finally, the proposed amendment of condition will allow the building to be used longer-term to shelter households assessed as homeless by City of Edinburgh Council. Research by Crisis has found that the overall cost of an individual rough-sleeping for 12 months is £20,128 due to indirect costs borne by multiple areas of public expenditure, primarily healthcare and policing. The cost of providing appropriate temporary accommodation is significantly less than this, and it is therefore economically efficient to provide earlier interventions that proactively seek to address homelessness rather than respond to its effects latterly. Not only will this have a lower cost in terms of public expenditure, but there are regarded to be longer-term economic benefits in supporting households and individuals in temporary accommodation that allows them to enter or re-enter the local workforce.</p>
Respond to economic issues, challenges, and opportunities, as outlined in local economic strategies	<p>The most recent economic strategy for Edinburgh is the <i>“Edinburgh Economy Strategy: Stronger, Greener, Fairer”</i> from November 2021. This states that over the coming years, “the Council will implement its whole-Council approach to economic development”, improving integration between employability services and “homelessness, ... housing, and other Council teams to help people get the support they need to find and progress in good jobs”.</p> <p>This recognises not only that a cohesive approach across multiple Council departments and areas is necessary to deliver the economic strategy, but also that interventions in housing and homelessness support have an impact on economic outcomes such as employment. This proposal to ensure longer term provision of temporary accommodation for homeless households is therefore considered to contribute towards the objectives of the Edinburgh Economy Strategy.</p>
Support good design and the six qualities of successful places	<p>The proposal is for the reuse of this existing building for an existing purpose over a longer period of time. There is no proposed alteration to the internal layout or the external appearance of the property, and therefore no change to the design principles or qualities of successful places.</p>



Make efficient use of existing capacities of land, buildings, and infrastructure including supporting town centre and regeneration priorities	This proposal is for the continued use of this existing building for a currently consented use, over a longer period of time. It is therefore regarded to make efficient use of the building in line with this principle.
Support delivery of accessible housing, business, retailing, and leisure development	The proposal would not permit the use of the building for mainstream residential housing. However, it would provide suitable and appropriate temporary accommodation for households in need. The accommodation is on the upper floors of the building, each floor of which can be accessed via an elevator for those with additional access needs.
Support delivery of infrastructure, for example transport, education, energy, digital, and water	This development is not for any form of public infrastructure, and proposes only to extend the existing consented use of this existing building. All relevant servicing and infrastructure is already in place at the property as part of its previous use for student accommodation.
Support climate change mitigation and adaptation, including taking account of flood risk	No alterations are proposed to the building, or necessary as part of climate change adaptation or mitigation. The continued temporary use of this building for the approved use is regarded to contribute towards sustainability outcomes as it mitigates the need for a new building to be constructed.
Improve health and wellbeing by offering opportunities for social interaction and physical activity, including sport and recreation	The proposal property is located in a highly accessible area with opportunities for physical exercise in the vicinity. The layout of the building also encourages social interaction as occupants will use communal stairs and hallways where they can encounter other occupants, and floors 2-4 have common rooms where social interaction between residents will be possible. This is regarded to contribute towards positive mental wellbeing as occupants will have opportunities to connect and interact should they wish.
Have regard to the principles for sustainable land use set out in the Land Use Strategy	<p>The principles referenced in the Scottish Planning Policy are set out in the Scottish Government's '<i>Getting the Best From Our Land: A Land Use Strategy for Scotland 2016-2021</i>'. Though this document has been superseded, the principles of sustainable land use do not appear to be present in the revision of this document. Of these, the most relevant principle is regarded to be Principle a); "<i>opportunities for land use to deliver multiple benefits should be encouraged</i>".</p> <p>The proposed development accords with this principle as it would see the existing temporary use at this site extended for a period of five years from consent being granted. In this way, the site is delivering benefits in the form of temporary accommodation for households assessed as homeless, and all the tangential benefits this entails discussed above, but also ensures it will</p>



	return to sole use as student accommodation following this, meaning it will revert to delivering benefit of a different kind at this point.
Protecting, enhancing, and promoting access to cultural heritage, including the historic environment	The proposed development site does not feature any heritage assets and is not located in a Conservation Area. It will therefore not have a negative impact on any designated historic environment features.
Protecting, enhancing, and promoting access to natural heritage, including green infrastructure, landscape, and the wider environment	The site is adjacent to the Leith Water Local Nature Conservation Site and area of Open Space. As the proposal is related only to the extension of an existing temporary use at the premises, there will be no impact on these assets. The proximity of these will allow occupants of the site to have easy access to these green infrastructure assets, enhancing exercise opportunities and wellbeing outcomes.
Reducing waste, facilitating its management and promoting resource recovery	The premises is already in use for the proposed purpose, and therefore the existing waste management and collection arrangements will continue.
Avoiding over-development, protecting the amenity of new and existing development, and considering the implications of development for water, air, and soil quality	The proposal involves the continued temporary use of this premises for the currently approved purpose. There will be no introduction of new activity that would harm surrounding amenity. The current use of the property was assessed as acceptable by City of Edinburgh Council in October 2021, and under this proposal this will remain the approved use for a period of five years.

Table 2 – Response to SPP Principles of Sustainable Development

- 5.07 In respect of the above details, it has been demonstrated that the proposal fits the definition of ‘sustainable development’ with regard to the principles set out in Paragraph 29 of the Scottish Planning Policy, and therefore the proposal benefits from the presumption in its favour as a significant material consideration as set out in Paragraph 33.
- 5.08 In the Edinburgh Local Development Plan, the site is given no specific development allocation as shown in the below map extract. It is located adjacent to the Water of Leith Open Space, and a Local Nature Conservation Site also centred around the Water of Leith, as shown by the green shading and the orange hatched lines respectively to the east of the site.



5.09 In locations with no particular development allocations, general policies relating to the proposed use and impact of the development on surroundings will be applicable. For this development, these are regarded to be:

- Policy Des 5 – Development Design – Amenity
- Policy Env 15 – Sites of Local Importance
- Policy Hou 7 – Inappropriate Uses in Residential Areas

5.10 **Policy Des 5 – Development Design – Amenity** states that:

“Planning permission will be granted for development where it is demonstrated that:

- a) the amenity of neighbouring developments is not adversely affected and that future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook*
- b) the design will facilitate adaptability in the future to the needs of different occupiers, and in appropriate locations will promote opportunities for mixed uses*
- c) community security will be promoted by providing active frontages to more important thoroughfares and designing for natural surveillance over all footpaths and open areas*
- d) a clear distinction is made between public and private spaces, with the latter provided in enclosed or defensible forms*
- e) refuse and recycling facilities, cycle storage, low and zero carbon technology, telecommunications equipment, plant and services have been sensitively integrated into the design”*

5.11 While it is noted that the introduction of a ‘transient’ form of occupancy, given the temporary nature of the intended stay at the premises, may give rise to some public comments regarding amenity (as on application ref: 21/04/098/FUL), this is not regarded to be a relevant consideration that carries any merit as a material planning



consideration. Indeed, the Report of Handling to the existing temporary consent at the site noted that the use of the site for short-term lets was “unlikely to be significantly different to the [student accommodation] use”. Overall, there is no aspect of the proposal that would impact on the amenity of nearby residents.

- 5.12 The use of the building will remain flexible in terms of being able to be used as student accommodation or short-stay accommodation. As established in the Report of Handling for application ref: 21/04098/FUL, “there will be no adverse impacts on student or residential amenity”. The two uses are considered to be similar and these can co-exist in the same building harmoniously. Therefore, the proposed extension of the existing use is considered to accord with Policy Des 5.
- 5.13 Due to the proximity of the Water of Leith Local Nature Conservation Site (LNCS), **Policy Env 15 – Sites of Local Importance** has been considered. This Policy states that:
- “Development likely to have an adverse impact on the flora, fauna, landscape or geological features of a Local Nature Reserve or a Local Nature Conservation Site will not be permitted unless it can be demonstrated that:*
- a) the reasons for allowing the development are sufficient to outweigh the nature conservation interest of the site*
 - b) the adverse consequences of allowing the development for the value of the site have been minimised and mitigated in an acceptable manner.”*
- 5.14 The proposal is not considered to have any adverse impact on the features of the LNCS by extending the temporary period of time it can be used as short-stay accommodation. There will be no physical development as a result of the proposal, and the use of the building for this purpose is similar in operation to the permanent consented use of the building as student accommodation. The LNCS is also part of an Open Space with paths open to the public, and it presents opportunities for exercise and the enjoyment of nature for the potential occupants of the property. The proposal is therefore not considered to raise any issues in respect of Policy Env 15.
- 5.15 **Policy Hou 7 – Inappropriate Uses in Residential Areas** was the sole policy considered in the determination of application ref: 21/04098/FUL. The proposal was regarded to accord with this Policy at the time of assessment. It continues to be relevant given the nature of surrounding uses, as these are predominantly residential. The Policy states:
- “Developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted.”*
- 5.16 This application is not a Change of Use – the approved use of the building will remain as a Sui Generis use with flexibility between student and short-stay accommodation. The position of the development as assessed, and approved, under application ref: 21/04098/FUL has not changed since October 2021, and there is not considered to be any adverse impacts on student or residential amenity. The extension of this temporary use for a period of five years does not alter this position, and therefore the terms of Policy Hou 7 have been complied with.



Material Considerations

- 5.17 The Report of Handling of application ref: 21/04098/FUL makes reference to a number of appeal decisions relating to short stay lets, and their acceptability amongst other forms of accommodation. In this instance, it is the acceptability of the short stay accommodation when mixed with student accommodation that is being considered. It is reiterated that the acceptability of this mix has already been approved by City of Edinburgh Council, and this application relates to the extension of this use for 5 years. Therefore, before discussing the relevant issues of these appeal decisions, it is necessary to be clear that these issues are only relevant to the outcome of this proposal in terms of the extent to which a change in the temporary time period of consent might affect the acceptability of the mix of these uses.
- 5.18 The Report of Handling does not provide case references or specific details of the appeal decisions being discussed, but outlines the “main determining issues” in these. It therefore cannot be confirmed if this is an exhaustive list of determining issues across all relevant appeals pertaining to short stay accommodation. Nonetheless, the Report of Handling considers these issues to be:
- 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 to 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.
- 5.19 In respect of the above issues, the position would not change on most of these matters as a result of granting the temporary consent for a longer period of time. The only point on which there may potentially be some difference as a result of the longer temporary consent is “the frequency of movement and likely disturbance to neighbours”.
- 5.20 As stated earlier in this Statement, the average length of stay of tenant is around 5 months, but can be up to 2 years or longer. As the current temporary consent is for 2 years, it is now possible that some stays would be longer than would have previously been possible under the existing consent. However, this is not considered to have an adverse impact on amenity, and in fact as the point relates to more movement having a more disruptive effect on amenity, it is considered that this possibility would have the opposite effect as it facilitates longer-term stays.
- 5.21 The overall consideration of the appeal decisions referenced in the Report of Handling was that “short stay units can be acceptable in predominately residential areas. The units will be geared towards short stay accommodation for key workers and young professionals and will be in the form of managed studios on a short lease”.



- 5.22 This position will not change as a result of this application. Although the intended occupants are now households or individuals assessed as homeless (though these could still be comprised of “key workers and young professionals” as before), the management arrangement of the units will not change. The term of the leases will be variable depending on individual circumstance, but on average will be for around 5 months. The temporary consent is for the same use of the units as short stay accommodation and not as mainstream residential development.
- 5.23 The relevant appeal decisions referenced in the Report of Handling do not present any considerations or circumstances that alter the acceptability of the proposed use when considered over a longer temporary period. They continue to support the overall use of the site, and therefore do not prevent the proposed extension of temporary consent.



6.00 Summary + Conclusions

- 6.01 This Planning Supporting Statement has been prepared by Graham + Sibbald on behalf of The Housing Network (the applicant) in support of a Section 42 application to vary a condition restricting the temporary use as short stay accommodation of the Upper Floors, 555 Gorgie Road, Edinburgh, EH11 3LE.
- 6.02 The property has permanent planning consent for use as student accommodation. This application relates to an existing planning consent (ref: 21/04098/FUL) at the property, which has permitted the use of the building as a mix of student accommodation and short stay accommodation, primarily as a response to reduced student numbers during the Covid-19 pandemic. That consent was Granted in October 2021, and is limited for a temporary period of two years by condition. This application seeks to vary this condition and extend the temporary period to 5 years.
- 6.03 This is to enable the property to be used to service a contract agreed between City of Edinburgh Council's Housing Services team, and The Housing Network – a provider of accommodation for individuals and households experiencing homelessness. The contract is for a duration of five years, and is required to assist City of Edinburgh Council in housing an increased number of homeless households as a result of the Covid-19 pandemic. Suitable accommodation is difficult to source in Edinburgh, and due to new legislative requirements hotels and bed & breakfasts are no longer considered "suitable" for such purposes. The proposal property meets the requirements for appropriate accommodation, and has the requisite planning consent needed to permit this use, albeit on a temporary two-year basis. Therefore, a variation of condition is needed to extend this to five-years.
- 6.04 The proposal has been considered against the relevant planning policies and material considerations. It is regarded to benefit from the presumption in favour of sustainable development set out in the Scottish Planning Policy as the Edinburgh Local Development Plan is now out of date. The proposal also raises no concerns in terms of impact on amenity, and has already been established as an appropriate use in the building through the Grant of consent 21/04098/FUL. There are therefore not considered to be any reasons that it should not be granted for an additional period of 5 years.
- 6.05 For any further information in relation to this proposed development, please contact Murray Rankin, Senior Planner at Graham + Sibbald on 07803 896942, or murray.rankin@g-s.co.uk.

VENTILATION NOTES
WC/mechanical extraction capable of at least 3 air changes per hour
Trickle vents to give: WC 4,000mm²

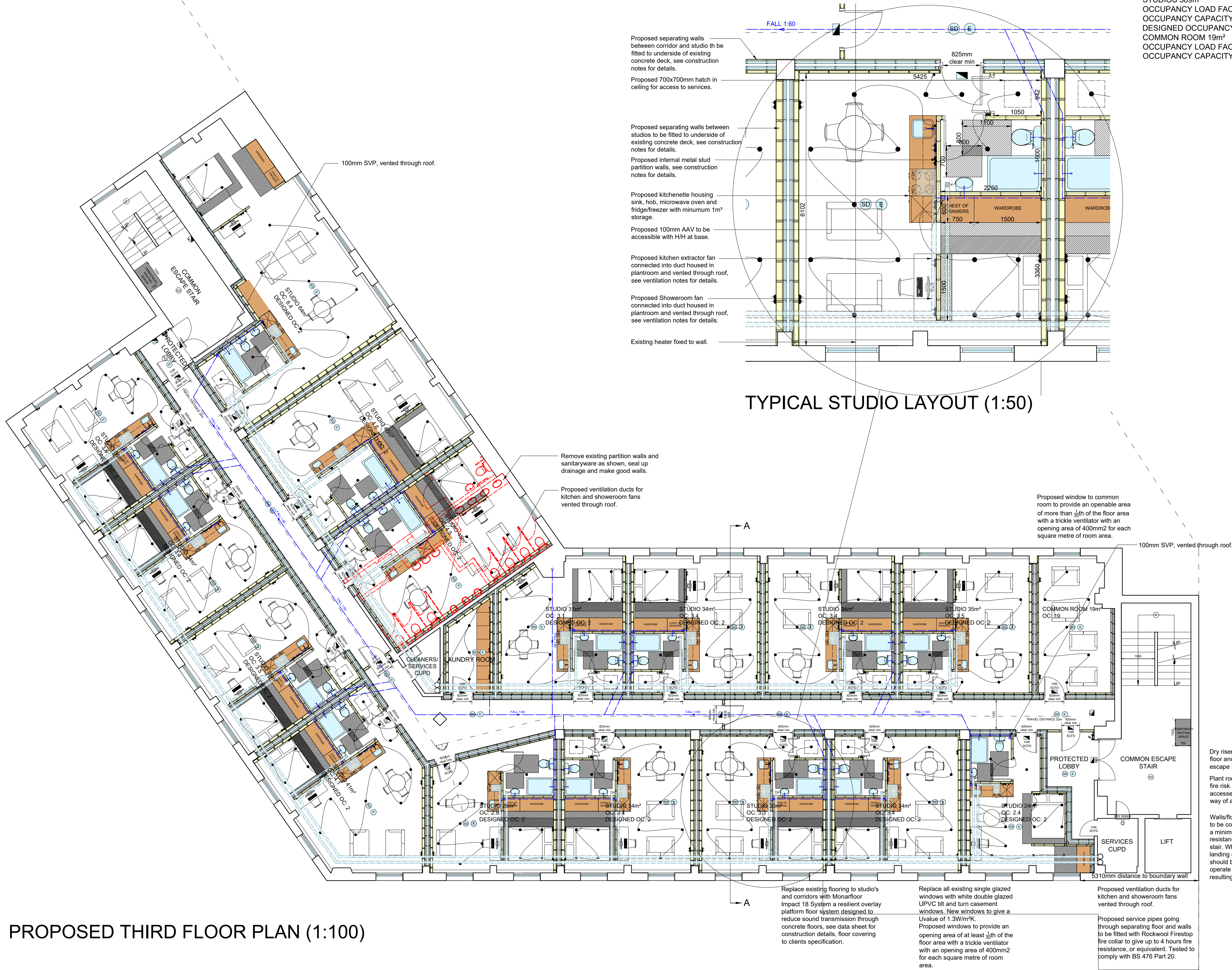


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EADADS | limited



PROPOSED SECOND FLOOR STUDIO ACCOMMODATION
SCALE 1:50

rev	date	details	by	rev	date	details	by
A	27.07.2018	BUILDING WARRANT REPORT.	PM			THIS DRAWING WAS PREPARED TO OBTAIN BUILDING CONTROL AND/OR PLANNING PERMISSION AND CAN ONLY BE USED AS A WORKING DRAWING WITH PERMISSION FROM FORMAT BUILDING DESIGN. THIS OFFICE'S LIABILITY ENDS UPON THE RECEIPT OF A DECISION FROM BUILDING CONTROL AND/OR THE PLANNING DEPARTMENT. THIS DRAWING IS NOT TO BE REPRODUCED WITHOUT PERMISSION. CONTRACTOR NOT TO DEVIATE FROM THE APPROVED DRAWING WITHOUT INFORMING FORMAT DESIGN. ALL SIZES AND DIMENSIONS TO BE VERIFIED ON SITE BY CONTRACTOR AND MANUFACTURER.	THIS DRAWING IS NOT TO BE REPRODUCED WITHOUT PERMISSION. CONTRACTOR NOT TO DEVIATE FROM THE APPROVED DRAWING WITHOUT INFORMING FORMAT DESIGN. ALL SIZES AND DIMENSIONS TO BE VERIFIED ON SITE BY CONTRACTOR AND MANUFACTURER.
B	19.11.2018	FURTHER BUILDING WARRANT REPORT.	PM				
C	30.04.2019	BW report	SK				



PROPOSED THIRD FLOOR PLAN (1:100)

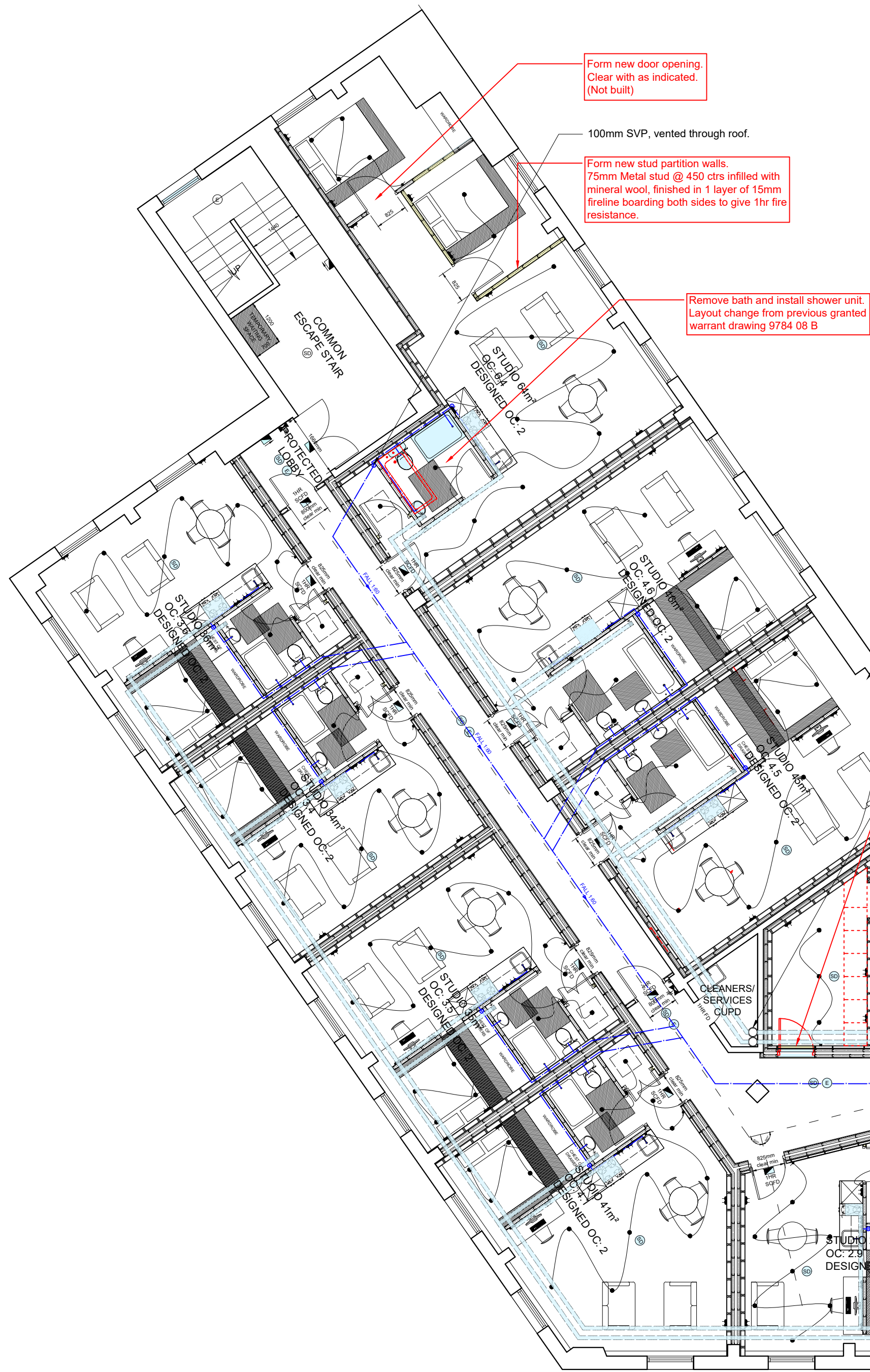
PROPOSED THIRD FLOOR
STUDIOS 589m²
OCCUPANCY LOAD FACTOR: 10
OCCUPANCY CAPACITY: 58.9
DESIGNED OCCUPANCY CAPACITY: 32
COMMON ROOM 19m²
OCCUPANCY LOAD FACTOR: 1
OCCUPANCY CAPACITY: 19

PROPOSED FOURTH FLOOR
STUDIOS 589m²
OCCUPANCY LOAD FACTOR: 10
OCCUPANCY CAPACITY: 58.9
DESIGNED OCCUPANCY CAPACITY: 32
COMMON ROOM 19m²
OCCUPANCY LOAD FACTOR: 1
OCCUPANCY CAPACITY: 19

VENTILATION NOTES <p>Ensuite Bathroom/Showerroom fan to give 15 L/sec (intermittent). Kitchen fan to give 30 L/Sec (intermittent).</p> <p>Trickle vents to be located at least 1750mm above FFL to give: Studio 12,000mm² Showercom/Bathroom 10,000mm²</p> <p>Where there are any length of ducts, centrifugal type fan to be fitted to duct work to manufacturers instructions.</p> <p>Vents to be at least 1.75m above floor level</p>	CONSTRUCTION NOTES <p>INTERNAL METAL STUD PARTITIONS: 75mm metal studs at 450mm ctrs infilled with mineral wool, finished in 1 layer of 15mm Fireline boarding both sides to give 1hr fire resistance.</p> <p>METAL STUD SEPARATING WALL (BETWEEN CORRIDOR AND STUDIOS): 70mm metal studs with a minimum of 60mm cavity between the studs infilled with 70mm mineral wool both sides finished 1 layer of 15mm Gyproc SoundBloc and layer 15mm Gyproc Fireline to give 1hr fire resistance (to give a total minimum mass per unit area of 22kg/m²) both sides, fitted to underside of existing concrete deck.</p> <p>SOLID/METAL STUD SEPARATING WALL (BETWEEN CORRIDOR AND STUDIO): 70mm metal stud offset 30mm minimum from wall face infilled with 70mm mineral wool (minimum 10kg/m³), finished in 1 layer of 15mm Gyproc SoundBloc and layer 15mm Gyproc Fireline to give 1hr fire resistance to both sides (to give a total minimum mass per unit area of 12kg/m²), fitted to underside of existing concrete deck.</p> <p>METAL STUD SEPARATING WALL (BETWEEN STUDIOS): 70mm metal studs with a minimum of 60mm cavity between the studs infilled with 70mm mineral wool both sides finished 1 layer of 15mm Gyproc SoundBloc and layer 15mm Gyproc Fireline to give 1hr fire resistance (to give a total minimum mass per unit area of 22kg/m²) both sides. Framed out with 100x50mm timber studs finished 1 layer gyproc wall board to both side, fitted to underside of existing concrete deck.</p> <p>SOLID/METAL STUD SEPARATING WALL (BETWEEN STUDIOS): 70mm metal stud offset 30mm minimum from wall face infilled with 70mm mineral wool (minimum 10kg/m³), finished in 1 layer of 15mm Gyproc SoundBloc and layer 15mm Gyproc Fireline to give 1hr fire resistance to both sides (to give a total minimum mass per unit area of 12kg/m²). Framed out with 100x50mm timber studs finished 1 layer gyproc wall board to both side, fitted to underside of existing concrete deck.</p> <p>PROPOSED SUSPENDED CEILING (2nd floor office and 3rd floor studio): 70mm metal stud at 600 ctrs finished in 2 layers 12.5mm Fireline boarding to give a 1hr fire resistance.</p> <p>PROPOSED FLOOR SYSTEM (throughout studios and corridors): Replace existing flooring to studio's and corridors with Monarfloor Impact 18 System a resilient overlay platform floor system designed to reduce sound transmission through concrete floors, see data sheet for construction details floor covering to client specification.</p>
FIRE NOTES <p>All proposed entrance doors to studios to be jeld-wen moulded panel 1hr SCFD or equivalent and to be fitted with a lock which is readily operated, without a key, from the side approached by occupants making their escape. Doors to be fitted are not to impair the integrity of the fire door.</p> <p>Proposed doors to corridor (protected zone) to be jeld-wen wood veneer 1hr SCFD or equivalent filled with a clear glazed vision panel or panels, vision panels to give the relevant fire resistance.</p> <p>Vision panel should give a zone of visibility from a height of not more than 500mm to at least 1.5m above finished floor level. This may be interrupted by a solid element between 800mm and 1.15m above floor level.</p> <p>1hr fire doors to cleaners cupboard need not be self closing provided its lockable.</p> <p>All doors to protected lobbies to be 1hr SCFD.</p> <p>All fire doors to be fitted with dorma door closing device or equivalent, have 3 hinges, intumescent strips and smoke seals.</p> <p>Fire door certificates to be provided on completion of works.</p> <p>All proposed service pipes going through separating walls/floors to be fitted with Rockwool Firestop fire collar to give up to 4 hours fire resistance or equivalent. Tested to comply with BS 476 Part 20.</p> <p>Escape route to be minimum width of 1.2m</p> <p>Floors/ceiling/walls of protected zones and protected lobbies should be non combustible and give 1 hours fire resistance.</p>	ELECTRICAL NOTES <p>All electrical installations should be carried out by an Approved Certifier of Construction (Electrical Installations to BS 7671:2008) to comply with the Building (Scotland) Regulations 2004. The Approved Certifier should be registered by the Scottish Building Standards Agency as competent to certify the construction of the work</p> <p>ELECTRICAL SOCKETS: Kitchen - min 6 sockets Livingroom - min 4 sockets Bedroom - min 4 sockets Min 4 sockets elsewhere with 1 in hallway</p> <p>Electrical sockets to be positioned a min of 150mm above worktops, 400mm above floor level and if any are concealed then they should have a separate accessible switch</p> <p>Lightswitches/ sockets to be positioned between 900mm and 1100mm above floor level and a min of 350mm from any internal corner or similar obstruction</p> <p>Lightfittings to shower room to be shrouded</p>
FIRE MASTER NOTES <p>Fire Warning System to comply with British Standard 5839: Part 1: 2013 (category M)</p> <p>Firefighting Equipment to comply with BS5306: Part 8: 2012 Code of Practice for Selection & Positioning and BS EN3 appropriate to risk.</p> <p>Emergency lighting to comply with BS5266: Part 1: 2011 (Non-maintained/Maintained) or protected circuit (Escape Route Lighting)</p> <p>Signs and Notices to comply with BS5499-4: 2000 Code of Practice for Escape Route Signage and/or BS5499-10: 2006 Code of Practice for Fire Safety Signs</p> <p>Furnishings to comply with the Furniture & Furnishings (Fire Safety) Regs 1988 and pass the BS5852: 2006 Ignition Sources (0-5 Test & Cigarette & Match ignitability) Test</p>	DRAINAGE NOTES <p>Kitchen: sink 38mm dia ABS WP Ensuite Bathroom/Showerroom: bath 38mm dia ABS WP whb 32mm dia ABS WP toilet 100mm dia PVC SP shower 38mm dia ABS WP</p> <p>All drainage will be installed and supported, in accordance with manufacturers instructions. Sanitary pipe work should be installed and constructed in accordance with BS EN 12056-2: 2000</p> <p>Air Admittance Valves to be approved type (BBA certificate or equivalent) AAV should be installed in accordance with the recommendations in BS EN 12380:2002, or in compliance with the conditions of certification of a notified body & be readily accessible above the highest relevant appliance. AAV to be vented and accessible with H/H at base for rodding with drainage gradient of 1:60</p> <p>Pipes supplying hot water to proposed kitchen are to be insulated against heat loss to comply with BS 5422: 2001</p> <p>A device to be fitted to the bath which limits the temperature of the water to a max 48 degrees C</p> <p>The insulation of pipes and ducts should be carried out in accordance with the guidance contained within BRE Report: Ref 262: Thermal insulation, avoiding risks (2002 Edition) and BS 5422: 2001</p> <p>Sanitary facilities to be fitted with suitable Thermostatic Mixing Valves</p> <p>Shower room walls to be impervious to the passage of moisture</p>
LEGEND <p>Fire sound Fire alarm push Illuminated exit box with exit signage 3 hour maintained Fire extinguisher Emergency lighting to comply with BS5266: Part 1: 2011 (Non-maintained/Maintained) or protected circuit (Escape Route Lighting) Smoke detector L2 To comply with BS 5839 Part 1: 2013 Heat detector 3 hour maintained</p>	WINDOW NOTES <p>Existing single glazed windows to third floor to be replaced with white double glazed UPVC tilt and turn casement windows. New windows to give a Uvalue of 1.3W/m²K, see additional information.</p> <p>Proposed windows to studios and common room to provide an openable area of at least 1/10th of the floor area with a trickle ventilator with an opening area of 400mm² for each square metre of room area.</p>
	DOOR NOTES <p>Proposed entrance doors to studios to be jeld-wen 1hr SCFD or equivalent and to have an overall mass per unit area of at least 25kg/m².</p>

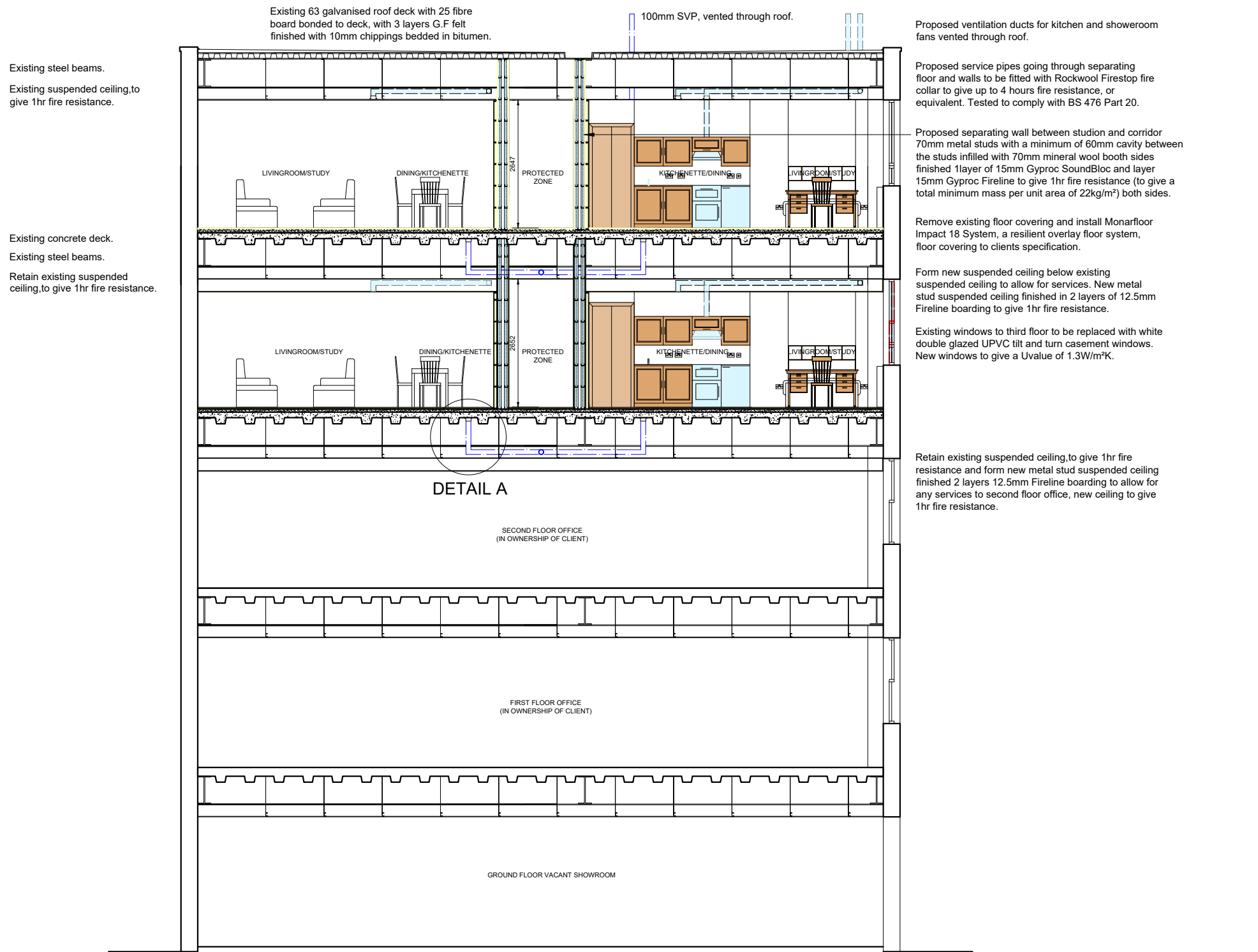
Red dashed lines indicate downtakings

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A	07.11.2013	Proposed plans drawn	CS								
B	13.01.2014	Amendment to plans as per BC officers report.	CS								
	29.01.2014	Amendment to plans as per meeting with BC officer.	CS								



PROPOSED FOURTH FLOOR PLAN (1:100)

SECTION A/A (1:100)



rev	date	details	by	rev	date	details	by
A	07.11.2013	Proposed plans drawn	CS				
B	13.01.2014	Amendment to plans as per BC officers report.	CS				
C	29.01.2014	Amendment to plans as per meeting with BC officer.					
	14.01.2016	Amendment to Layouts - Commons room converted to studio	MJ				

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SERVICES OFFERED:

MEASURED SURVEYS
PLANNING CONSULTANTS
FEASIBILITY STUDIES
NEW BUILDS

PLANNING APPLICATIONS
LISTED BUILDING APPLICATIONS
BUILDING WARRANT APPLICATIONS
LIQUOR LICENCING DRAWINGS
DEED PLANS

drawing title: Proposed fourth floor plan and section A/A.

job title: Stevenson House, 555 Gorgie Road, Edinburgh, EH11 3LE

client: E.L.S

status:AMENDMENT TO BUILDING WARRANT

format DESIGN

Holyrood Business Park 146 Duddingston Road West Edinburgh EH16 4AP

scale :
1:100 @ A1

drawing no:
9784 08 C

drawn: CS

Tel: 0131 661 7666
Fax: 0131 659 6033
Email: formatdesign@aol.com
Web: www.formatbuildingdesign.com



Date 21 June 2022

Your ref

Our ref

Dear Marc

Thank you for sourcing accommodation at 555 Gorgie Road. I can confirm that the Council is very keen to use this accommodation exclusively to assist with its statutory duty to provide temporary accommodation to households that have been assessed as homeless. The Council will require the knowledge that this accommodation is available and meeting all contract standards until October 2027 at minimum to allow a contract to be awarded. The intention would be to award a five-year contract if meeting all service specification standards.

I understand that The Housing Network are applying for an extension to current planning permission requirements which allow the property to be used for non-students. This will be required before the Council will award a contract.

As discussed, there are a number of factors requiring the Council to increase property for use as temporary Accommodation such as:

- The Council must increase accommodation that does not breach the Unsuitable Accommodation Order.
- The Council's Rapid Rehousing Transition Plan states that B+B style accommodation is deemed unsuitable for households that are homeless and Edinburgh must reduce the use of this type of accommodation.

For information on what to expect from this contract if awarded:

- It is expected that turnover of individual units will be low as it can take up to two years or more for people assessed as homeless to be offered alternative

Jillian Edwards, Commissioning Officer, Partnership and Planning Team

Safer and Stronger Communities, Homelessness and Housing Support Services, Level 1:8, Waverley Court, 4 East
Market Street, Edinburgh EH8 8BG

Tel 0131 529 7636 jillian.cunningham-edwards@edinburgh.gov.uk



- accommodation. Average length of stay for accommodation of this type is approximately 5 months though some are significantly higher or lower than this.
- The accommodation provider must ensure that there is a Property Manager on site 24 hours a day with service including booking households in and out etc, reporting repairs and maintenance, making referrals to Commissioned Support Services, dealing with and reporting any anti-social behaviour issues.

It is particularly difficult in Edinburgh to find accommodation to meet these standards when competing with student and tourist markets. Edinburgh continues to use unsuitable accommodation but strives to increase suitable accommodation where possible. The demand for temporary accommodation has risen year after year and it is expected that this trend will continue.

Thank you for The Housing Networks continued effort in sourcing suitable accommodation and if successful with Planning permission do let me know so we can progress with this and get households accommodated!

Your sincerely

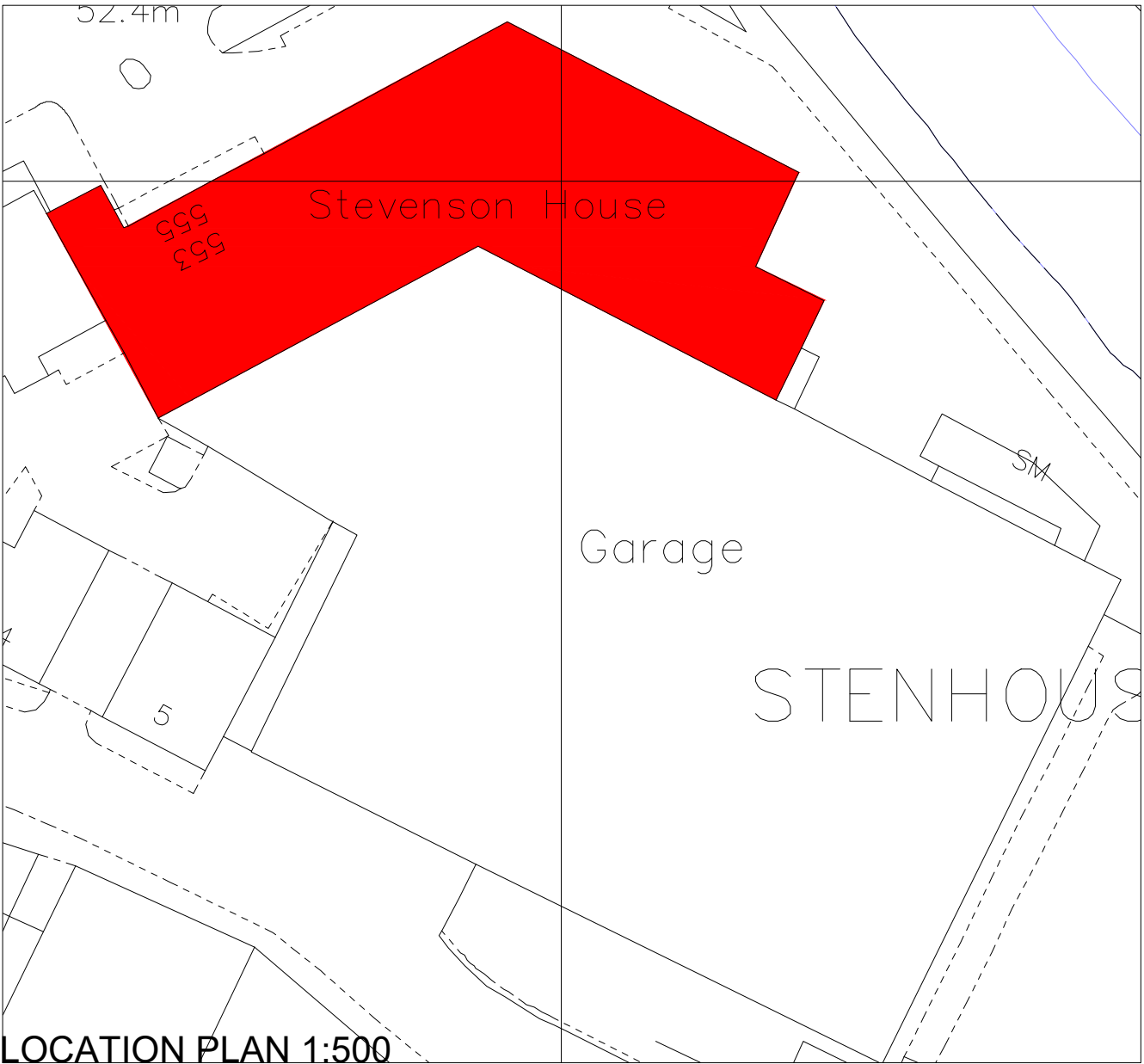
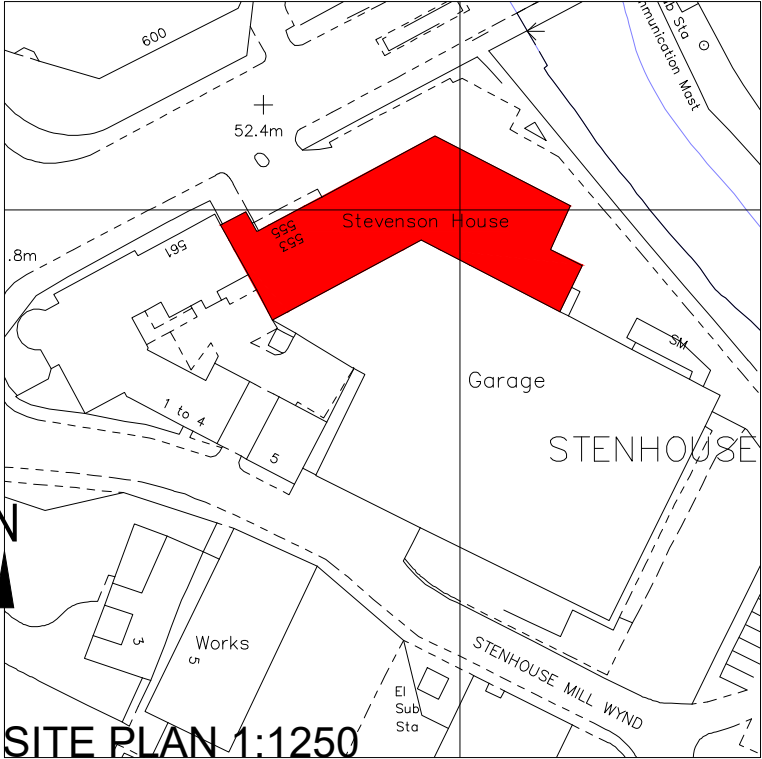
Jillian Edwards

Commissioning Officer

Jillian Edwards, Commissioning Officer, Partnership and Planning Team

Safer and Stronger Communities, Homelessness and Housing Support Services, Level 1:8, Waverley Court, 4 East
Market Street, Edinburgh EH8 8BG
Tel 0131 529 7636 jillian.cunningham-edwards@edinburgh.gov.uk





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								status: PLANNING	client: E.L.S	drawn: CS
<p>format DESIGN</p> <p>FADADS Limited</p> <p>Holyrood Business Park 146 Duddingston Road West Edinburgh EH16 4AP</p> <p>Tel: 0131 661 7666 Fax: 0131 659 6033 Email: formatdesign@aol.com Web: www.formatbuildingdesign.com</p>										

Graham + Sibbald.
FAO: Murray Rankin
233 St Vincent Street
Glasgow
G2 5QY

The Housing Network.
256 Capability Green
Luton
LU1 3LU

Decision date: 14 October 2022

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Section 42 Application for Variation of Condition 1 of Planning Permission ref:
21/04098/FUL to permit Sui Generis use of premises as Student Accommodation and
Short-stay Accommodation for let to non-students at any time of year for a temporary
period of 5 years.

At 1F1-1F12, 2F1-2F22, 3F1-3F17 & 4F18-4F34 555 Gorgie Road Edinburgh EH11
3LE

Application No: 22/03465/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 5 July 2022,
this has been decided by **Local Fast Track Decision**. The Council in exercise of its
powers under the Town and Country Planning (Scotland) Acts and regulations, now
determines the application as **Refused** in accordance with the particulars given in the
application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons
for refusal, are shown below;

Conditions:-

Reason for Refusal:-

1. The proposal is contrary to LDP policy Hou 7 (Inappropriate Uses in Residential Areas) as it will have a materially detrimental effect on the living conditions and amenity of student residents.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01-05, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The proposal is contrary to the Local Development Plan.

The use of the property as a short stay let will have a materially detrimental effect on the living conditions and amenity of student residents.

In this regard, it does not comply with a Scottish Planning Policy Principle as it will fail to protect the amenity of existing development.

There are no material considerations that outweigh this conclusion.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Lewis McWilliam directly at lewis.mcwilliam@edinburgh.gov.uk.



Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

1.If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at www.eplanning.scot or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email localreviewbody@edinburgh.gov.uk

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Report of Handling

Application for Planning Permission

1F1-1F12, 2F1-2F22, 3F1-3F17 & 4F18-4F34, 555 Gorgie Road, Edinburgh

Proposal: Section 42 Application for Variation of Condition 1 of Planning Permission ref: 21/04098/FUL to permit Sui Generis use of premises as Student Accommodation and Short-stay Accommodation for let to non-students at any time of year for a temporary period of 5 years.

Item – Local Fast Track Decision

Application Number – 22/03465/FUL

Ward – B07 - Sighthill/Gorgie

Recommendation

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

Summary

The proposal is contrary to the Local Development Plan.

The use of the property as a short stay let will have a materially detrimental effect on the living conditions and amenity of student residents.

In this regard, it does not comply with a Scottish Planning Policy Principle as it will fail to protect the amenity of existing development.

There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application property is ELS house, a five storey plus basement former office and showroom building on the south side of Gorgie Road, on the west side of the Water of Leith. The application is for the upper floors of ELS House. The ground and basement floors (a former car showroom) are in separate ownership.

The upper floors have been converted for use as Purpose Built Student Accommodation (PBSA).

The surrounding area is a mix of uses with sheltered housing to the west, an industrial estate to the south west and offices to the north. Residential uses predominate to the north and west.

Description Of The Proposal

Section 42 Application for Variation of Condition 1 of Planning Permission ref: 21/04098/FUL to permit Sui Generis use of premises as Student Accommodation and Short-stay Accommodation for let to non-students at any time of year for a temporary period of 5 years.

Supporting Information

-Planning Statement

Relevant Site History

21/04098/FUL
1F1-1F12, 2F1-2F22, 3F1-3F17 & 4F18-4F34
555 Gorgie Road
Edinburgh
EH11 3LE

Temporary change of use for period of 2 years to permit sui generis use of premises as student accommodation and short-stay accommodation for let to non-students at any time of year.

Granted
1 November 2021

Other Relevant Site History

Other history

27 September 2013 - planning permission granted for change of use of third and fourth floors to student accommodation (application number 13/01256/FUL)

9 November 2016 - planning permission granted for change of use of third and fourth floors to student accommodation (application number 16/04088/FUL)

25 November 2016 - planning permission granted for change of use of first floor to student accommodation (application number 16/04087/FUL)

Adjacent site

4 March 2021 - application for planning permission for erection of mixed-use development comprising residential flats, purpose-built student accommodation, associated car-parking, cycle parking, landscaping and infrastructure; change of use existing car show room to class 1 and class 2 uses (as amended) (application reference 20/00619/FUL).

Consultation Engagement

No consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 15 July 2022

Date of Advertisement: Not Applicable

Date of Site Notice: Not Applicable

Number of Contributors: 0

Section B - Assessment

Determining Issues

Section 42 of the Town and Country Planning (Scotland) Act 1997 (the Act) relates to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

On such an application the planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and'

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly;

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

If an application under Section 42 of the Act is granted it creates a new planning permission with a new default time period for implementation unless otherwise determined. Accordingly, the proposals also require to be determined under Sections 25 and 37 of the Act.

Therefore, consideration shall be given to the proposed change to the condition and any other conditions attached, in particular whether:

- i) the proposed change to the condition would result in a development that is in accordance with the plan; or
- ii) an alternative condition or conditions would result in a development that is in accordance with the plan; and
- iii) there are any material considerations that outweigh the conclusions in respect of i) and ii) above

Assessment

To address these determining issues, it needs to be considered whether:

a) The proposals comply with the development plan?

The Development Plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP policy Hou 7

The non-statutory Guidance for Businesses is a material consideration that is relevant when considering this policy.

a) Proposed Use

The application site is situated in the urban area as defined in the adopted Edinburgh Local Development Plan (LDP).

The main policy that is applicable to the assessment of short-stay let accommodation 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 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.

The proposal seeks to vary condition 1 of planning permission 21/04098/FUL to allow apartments in the building the option to be rented as short term lets (STL) in addition to their lawful use as student accommodation for five years. This previous permission granted a temporary consent for these purposes for two years.

The submitted information refers to the intention of this application being to enable a contract between the applicant and City of Edinburgh Council to provide temporary accommodation for households assessed as being homeless in Edinburgh.

It is stated that for this purpose, stays in accommodation of this type are typically for 5 months though some can be significantly higher or lower than this. In addition, that the short stay provision proposed would not be used as a holiday let.

The intentions of the scheme are recognised. However, the specific management and operation of the STL use cannot be controlled under the scope of this planning application and it is not enforceable through planning legislation. Granting planning permission would allow potential for use of any rooms to be rented as a short term let for varying length of time and purpose.

Students may typically have differing patterns of activity to that of more permanent residents. Furthermore, it is acknowledged the PBSA is currently located adjacent to a busy arterial route where a degree of background ambient noise may be expected internally.

This notwithstanding, there would be a reasonable expectation for an appropriate living environment to be achieved in students' place of residence to adequately meet their needs (studying, sleeping etc). As students typically stay in accommodation for much of

the year, it should be considered whether a more mixed use involving short stay accommodation could impact on their amenity.

The apartments in the building are in near proximity to each other and many share communal facilities such as a lounge, kitchen and dining space. This close relationship between rooms will result in increased likelihood of direct interaction between the two uses.

The use of rooms for STL accommodation (where the purpose and length of stay is not controllable through planning legislation) would give rise to an increase potential for frequency of movement to these floors at unsociable hours.

Transient visitors may have less regard for the residential amenity of neighbours in the building than students given the more permanent nature of the PBSA use. For example, students would typically stay at a facility during term time over the course of a year as opposed to the high turnover over visitors that can occur with STLs.

This would give the potential for significantly different levels of ambient background noise within the building through increased comings and goings than students might reasonably expect.

In regard to wider area, the site is beside a residential flatted development to the west and the area beyond this is mainly residential in character.

However, the building faces a busy arterial road and access to the apartments will be unchanged with no direct interaction with surrounding local residents. In consideration of this, it is not anticipated that there would be a material impact on the amenity of residents out with the building from the mixed use to a greater degree than the existing lawful student use.

In regard to transport, there is near access to bus stops on Gorgie Road and there is access to communal car parking near the site.

It is acknowledged the previous consent on-site granted temporary use of the apartments for short term let and / or students throughout the year.

It should also be noted that this submission was in response to conditions in the PBSA market caused by coronavirus where a greater degree of flexibility was afforded under planning due to these circumstances.

There is a differing context now and this previous permission should not set precedence for the acceptability of this current Section 42 application.

In light of the above, the proposal will have a materially detrimental effect on the living conditions and amenity of student residents. It does not comply with LDP policy Hou 7.

Conclusion in relation to the Development Plan

The proposal does not comply with LDP Policy Hou 7 as the change of use of this property to a short-term visitor let would materially harm neighbouring amenity. There are no material considerations that outweigh this conclusion.

b) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal does not comply with all thirteen principles outlined within Paragraph 29 of the SPP as it would not protect the amenity of existing development. The proposal will therefore not contribute to sustainable development.

Emerging policy context

The Draft National Planning Framework 4 has been consulted on but has not yet been adopted. As such, little weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents 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.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Conclusion in relation to identified material considerations

The proposal does not raise any other material considerations.

Overall conclusion

The proposal is contrary to the Local Development Plan.

The use of the property as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.

In this regard, it does not comply with a Scottish Planning Policy Principle as it will fail to protect the amenity of existing development.

There are no material considerations that outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reason for Refusal

1. The proposal is contrary to LDP policy Hou 7 (Inappropriate Uses in Residential Areas) as it will have a materially detrimental effect on the living conditions and amenity of student residents.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - [Local Development Plan](#)

Date Registered: 5 July 2022

Drawing Numbers/Scheme

01-05

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Lewis McWilliam, Planning Officer
E-mail: lewis.mcwilliam@edinburgh.gov.uk

Appendix 1

Consultations

No consultations undertaken.