

Development Management Sub-Committee Report

Wednesday 24 May 2023

**Application for Planning Permission
2 Dundrennan Cottages, Edinburgh, EH16 5RG**

Proposal: Change of use from a domestic dwelling to a 7-bedroom house of multiple occupancy.

**Item – Committee Decision
Application Number – 22/04724/FUL
Ward – B16 - Liberton/Gilmerton**

Reasons for Referral to Committee

In accordance with the statutory scheme of delegation, the application has been referred for determination by the Development Management Sub-committee as it has received more than six material representations in objection and the recommendation is to grant planning permission.

Recommendation

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

Summary

The application for development is acceptable in relation to the relevant policies within National Planning Framework 4 and the Edinburgh Local Development Plan. The proposal would not have an unacceptable impact on the character of the area or on neighbouring residential amenity. There are no material planning considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The property is an end-terrace, two storey dwelling, with front, side, and rear gardens. The internal floorspace of the property is approximately 91 sqm.

The surrounding area is residential in nature, with properties being mainly two storey terraced houses and three storey flats. The Inch Park lies to the north-west.

Description of the Proposal

The proposal is for the change of use from residential to a seven bed House in Multiple Occupancy (HMO). No external alterations are proposed.

Relevant Site History

No relevant site history.

Other Relevant Site History

No other relevant planning history.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Roads Authority

Refer to Appendix 1 for a summary of the consultation response.

Publicity and Public Engagement

Date of Neighbour Notification: 6 October 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 11

Section B - Assessment

Determining Issues

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

- equalities and human rights.
- public representations; and
- any other identified material considerations.

Assessment

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

a) The proposals comply with the development plan.

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4.

The relevant NPF4 and LDP policies to be considered are:

- NPF4 Climate and Nature Crises - Policy 1.
- NPF4 Design, Quality & Place - Policy 14.
- NPF4 Quality Homes - Policy 16.
- LDP Housing Policies - Hou 2 and Hou 7.
- LDP Transport Policy - Tra 2.

Principle

The building is located adjacent to a main route into the city centre, which provides good links to public transport infrastructure, shopping, and community facilities. The property is located within an existing urban environment that is characterised by a mix of house types.

The change to an HMO is acceptable in principle in that it would form a compatible use within the area. The proposal would increase the housing mix within the area, thereby meeting a range of housing needs. Although there are a number of HMOs in the surrounding area (five), the addition of this proposal would not represent an over intensification of the use, nor would it be detrimental to the residential character of the surrounding area.

When looking specifically at NPF4 Policy 1, the proposal would have a neutral impact.

The use of the property as an HMO is acceptable in principle and complies with NPF4 Policies 1 and 14 and LDP Policy Hou 2.

Amenity

HMO use is essentially a form of residential use where occupants generally rent a room and share facilities for extended periods of time. The change of use does not raise any issues around increased activity which may have a detrimental effect on the living conditions of nearby residents.

The change of use of the property to a House in Multiple Occupation would require it to be licensed under the Housing (Scotland) Act 2006 which requires a licence for allowing a property to be occupied as an HMO where various controls exist in terms of physical standards and tenancy management standards to ensure accommodation is properly managed and unlikely to cause undue public nuisance or result in overprovision of such accommodation

Concerns have been raised regarding the intensification of HMO use within the area as a whole. Whilst there is no specific policy that controls the number of HMOs within an area, LDP Policy Hou 7 seeks to preclude the introduction or intensification of non-residential uses incompatible with predominantly residential areas and the non-statutory Guidance for Businesses refers to Hou 7 in terms of amenity. Given that the area remains predominately residential in nature, the relatively modest scale of the property, and the controls that can be exercised through the licensing regime, the grant of planning permission would not lead to an unacceptable diminution of residential amenity.

This complies with NPF4 Policy 16, LDP Policy Hou 7 and the relative Guidance.

Parking

Transport Planning was consulted in relation to the proposal and no objections were raised. The scale and nature of the development is such that it is unlikely that it would create a material change to the number of vehicles occupying the surrounding road network.

This complies with LDP Policy Tra 2.

Conclusion in relation to the Development Plan

The proposal complies with NPF4 Policies 1, 14 and 16 and LDP Policies Tra 2, Hou 2 and Hou 7.

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

The following material planning considerations have been identified:

Emerging policy context

On 30 November 2022, the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time 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.

Public representations

Eleven representations were received (Objections)

material considerations

Parking: This has been addressed in section a).

Noise: This has been addressed in section a).

Anti-social behaviour: This has been addressed in section a).

Over intensification of use: This is addressed in section a).

non-material

None

Conclusion in relation to identified material considerations

The material considerations contained within the representations have been taken into account in the above assessment, but do not outweigh the conclusion that the proposal constitutes an appropriate development in relation to the Development Plan.

Overall conclusion

The application for development is acceptable in relation relevant policies within National Planning Framework 4 and the Edinburgh Local Development Plan. The proposal would not have an unacceptable effect on the character of the area or on neighbouring residential amenity. There are no material planning considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.

Informatives

It should be noted that:

1. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 5 October 2022

Drawing Numbers/Scheme

01-02

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Conor MacGreevy, Planning Officer
E-mail: conor.macgreevy@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

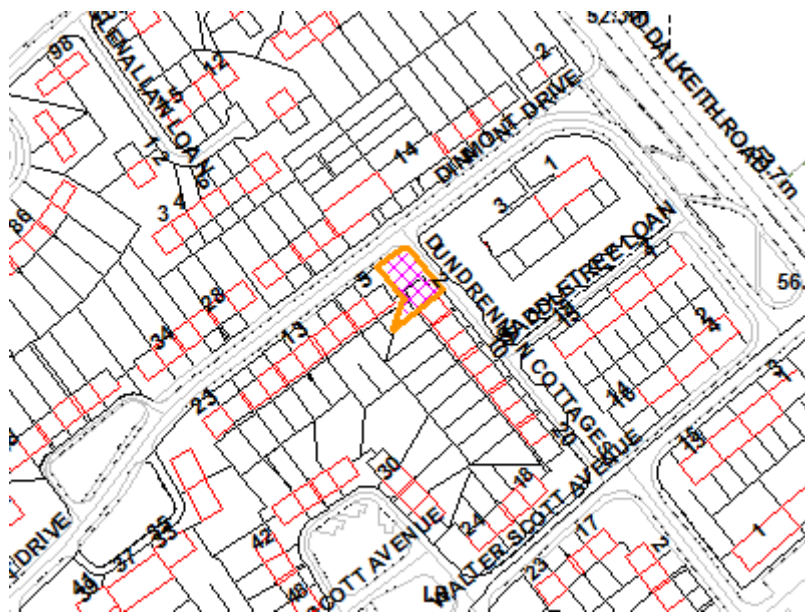
NAME: Roads Authority

COMMENT: No objections.

DATE: 28 October 2022

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420