



## 12 SPRINGVALLEY GARDENS, EDINBURGH, EH10 4QG

Proposed change of use from office to Short Term Let



### 1. INTRODUCTION

1.1. McFadzean Studio has been asked to provide a planning statement in support of this planning application. The proposal is for a change the use of the property known as 12 Springvalley Gardens, Edinburgh, from an office use to a short-term rental property providing visitor accommodation.

1.2. The proposed visitor accommodation is considered a sui generis use. The office use of the property is class 4. The recent Town and Country Planning (Short-term Let Control Areas) (Scotland) Regulations 2021 confirm that in short term let control areas, planning permission will be required for such a change. Given all of Edinburgh is now incorporated within such an area (subject to Ministerial approval), the current application is being made to formalise this change and secure the benefit of planning permission.



- 1.3. The Planning Committee meeting of 23 February 2022 which approved the extent of Edinburgh's short-term let control area considered a Committee report and accompanying Statement of Reasons background report which both stressed (in the case of the Committee Report twice) that the formalisation of the Short-term let control area did not amount to a 'blanket ban' on short term lets and that each application for change of use would be dealt with on its own merits. The papers were clear that the key assessment criteria would be assessing whether such proposals would have a 'materially detrimental effect on the living conditions of nearby residents' and also noted that such changes would only generally be acceptable where properties enjoyed a private access from the street. The subject property at 12 Springvalley Gardens is considered to meet these assessment tests and this planning statement sets out why in detail.
- 1.4. The property was previously granted Planning Permission 19/04750/FUL to convert the office for residential use but this was never implemented by the previous property owner. Upon purchase of the property the applicant immediately submitted a planning application for change of use to short term let.
- 1.5. The change of use proposed under this application will result in physical changes to the building to make it habitable, comply with building regulations and to improve the overall appearance of the property which has been unused for some time.
- 1.6. The purpose of this report is firstly to set out the context for this planning application by describing the property, its history and setting. A review is then undertaken of all relevant planning policies, guidance and recent appeal decisions with an assessment made as to how these can all be addressed satisfactorily.
- 1.6. It is our contention that the proposed change of use of this property will provide it with a sustainable function going forward that can contribute to Edinburgh's important tourist economy and reputation as a business destination. Such a change is considered appropriate today both to the character of the building and the character of the neighbouring area.

## **2. PROPERTY DESCRIPTION AND SURROUNDINGS**

### **12 SPRINGVALLEY GARDENS**

- 2.1. The subject of this planning application is an empty office building which we propose to convert to an entirely self-contained 2-bedroom property with its own main door access off Springvalley Gardens. The property is situated in the Morningside Council Ward.
- 2.2. The property was previously industrial storage prior to obtaining consent to convert into an office in 2009. It has previously obtained consent for a further Change of Use to residential to form a 2 bedroom dwelling in 2019. The property was never converted to a residential property and has never been occupied for residential use. The property has been unused and empty since 2009.
- 2.3. The character of the wider area of Springvalley Gardens and the sections of Morningside Road closest to it, is considered to be informed in large part by high levels of commercial activity and traffic. Springvalley Gardens plays host to a range of non-residential uses, including vehicle repairs and is subject to almost constant traffic noise passing up and down Morningside Road, one of the important routes through the city.
- 2.4. The property is accessed under a vehicular pend and located behind a 5 storey block of flats at the entrance to an industrial area. The properties around the subject property have traditionally been used as industrial and commercial premises, Community Library to the rear and Residential flatted dwellings.
- 2.5. There is a generous provision of on street parking available on Springvalley Gardens. In reality, the small size of the property means that for guests arriving by car this is not an issue due to the provision of public transport on Morningside Road.





2.6. The applicant considers that the majority of guests that arrive at the property come on public transport and either take the bus, walk or take a taxi to the property. Morningside Road is a key bus route in the city, offering a stop serving local and regional bus-routes 5, 11, 15, 16, 23 and 36 around a 2 minute walk from the front door of the property. It is also around 1 mile to both Haymarket and Slateford Train stations.

## **THE AREA TODAY**

2.7 Springvalley Gardens today is a dynamic, mixed-use street which is immediately adjacent to Morningside Road. The area enjoys a busy commercial atmosphere as well as fostering an atmosphere of community with Morningside Library located directly behind the property.

2.8. In the Adopted Local Development Plan 2016, Morningside is recognised as one of eight 'town centres' across the city. The town centre categorisation being reserved for areas that "providing shopping and services in locations well-served by public transport" (page 120). Appendix B (page 139) of the Adopted Local Development Plan, recognises numbers 4 -216 Morningside Road as all forming part of this town centre. Accordingly, this property can be considered as being sited adjacent to a town centre.

2.9. In accordance with its characterisation in the local Development Plan, the town centre closest to the property plays host to a wide variety of shops and services. Within a short walk of the property, there are shops, offices, cafés, hot food takeaways, a library, public house, vehicle repair businesses, charity shops and supermarkets.

2.10. In summary, the area around the property today is one that is undeniably busy and subject to a range of commercial as well as residential uses. This function has been the case for a considerable period of time and would be quite clear to anyone buying or renting property in this area.

## **3. POLICY CONTEXT**

3.1.1. Commentary on the policy context for the Change of Use of residential accommodation to short-term let visitor accommodation is presented below.

3.1.2. National and local planning policies for Edinburgh typically deal with tourism as a whole rather than focussing on such changes of use in particular. Separate non-statutory guidance on change of use for business has also been produced. Both policies and guidance are therefore examined in this section of the planning statement.

### **3.2. Development Plan Context**

3.2.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended), the determination of planning applications is to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan does not include either the National Planning Framework for Scotland 3 (NPF3 (2014)), or the current Scottish Planning Policy (SPP (2014)), which do not have the status of Development Plan for planning purposes.

3.2.2. The City of Edinburgh sits within the SESplan strategic development plan area. Accordingly the Development Plan for this area currently comprises SESplan (SESplan (2013)) and the Adopted Edinburgh Local Development Plan (LDP (2016)).



### **3.3. SESplan Strategic Development Plan (Adopted June 2013)**

3.3.1. Within its Vision, SESplan notes (paragraph 13) that

*“the key sectors of financial and business services, higher education and the commercialisation of research, energy, tourism, life sciences, creative industries, food and drink and enabling (digital) technologies are central to the regional economy.”*

3.3.2. The SESplan chapter on economic growth follows up on this statement (paragraph 96) where it states that

*“The following sectors are considered to be of strategic importance to the economy of the SESplan area: financial and business services, higher education and the commercialisation of research, energy, tourism, life sciences, creative industries, food and drink and enabling (digital) technologies.”*

3.3.3. Paragraph 98 of SESplan examines the hierarchy of the network of centres across the SESplan region. In this regard it recognises the important role that Edinburgh plays as a service centre within Scotland and beyond. It notes that

*“Edinburgh City Centre is the largest centre and is positioned at the top of the network of centres. It performs a broad range of regional and national functions including shopping, office, leisure, culture, tourism and government and competes with other regional centres in Scotland and the North of England”.*

### **3.4. Edinburgh Local Development Plan (LDP) (Adopted November 2016)**

3.4.1. Part 1 of the written statement of the Adopted LDP does not contain any planning policies and deals instead with site specific proposals providing an overarching narrative to explain the spatial strategy. As part of this narrative, paragraph 56 states that *“the strength of Edinburgh’s economy is based on a range of key sectors, for example tourism, financial services, life sciences and higher education”*.

3.4.2. Part 2 of the LDP contains planning policies, although none that deal specifically with proposed changes of use of commercial properties to visitor accommodation. Indeed overall, part 2 of the Adopted LDP makes relatively few references to tourism within any of its policies.

3.4.3. While not directly relevant to the determination of this planning application, the supporting text for Policy Emp10 ‘Hotel Development’ provides some useful narrative setting out the need for visitor accommodation in the city:

*“Tourism is the third biggest source of employment in Edinburgh, providing jobs for over 31,000 people. Maintaining and developing this key sector in the city’s economy relies upon sufficient provision of high quality tourist accommodation. In 2006 a study looking at tourist accommodation demand and supply was commissioned by the Council and others. The study identified the particular importance of hotels to generating economic benefit from growth in tourism and satisfying the main sources of demand for accommodation. The study identified a theoretical requirement for 4,000 new hotel rooms in Edinburgh by 2015 to help meet predicted growth in demand. The city centre is the preferred location for most visitors, but accessible locations with good public transport accessibility within the urban area also offer opportunities for new hotel development”.*

3.4.4. The policy in the Adopted LDP which is considered most relevant to this application at this time is policy HOU7 ‘Inappropriate uses in residential areas’. This notes:

*“developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted”*

3.4.5. The policy goes on to explain that its intention is to



*“preclude the introduction or intensification of non-residential uses incompatible with predominantly residential areas and secondly, to prevent any further deterioration in living conditions in more mixed use areas which nevertheless have important residential functions. This policy will be used to assess proposals for the conversion of a house or flat to a House in Multiple Occupation (i.e. for five or more people). Further advice is set out in Council Guidance”*

3.4.6. As mentioned already in section 2 of this statement, the area surrounding the property at 12 Springvalley Gardens already performs an important ‘town centre’ function, and much of the surrounding uses encourage relatively high-footfall such as retail, food and drink, school and play park. Given this context, it is considered that the area can be characterised under the second categorisation as a more mixed use area which nevertheless has an important residential function.

3.4.7. When assessed against the tests in policy HOU7, the property at 12 Spring Valley Gardens we would argue has negligible impact on its qualifying interests, given living conditions for nearby residents are already largely dictated by their location adjacent to Morningside Road. We do not believe ‘materially detrimental effect’ is being occasioned on the living conditions of nearby residents. Considering all of this, it is challenging to see how the change of use sought here could be considered contrary to policy HOU7.

### **3.5. Council Guidance**

3.5.1. The City of Edinburgh Council does not have any statutory Planning Guidance considered to be relevant to this application. However as noted in policy HOU7 it has published non-statutory guidance to support its LDP policies.

3.5.2. Among the suite of such guidance, the most relevant appears to be the Guidance for Householders. The earliest iteration of this Guidance was produced in 2012, but it has been updated periodically ever since. The latest version of the Guidance has just been republished and dates from November 2021.

3.5.3. The Guidance for Business contains some detailed discussion on changes of use from residential to short-term commercial visitor accommodation, as well as on changes of use in flatted properties.. This guidance has been referenced both in recent planning applications and in recent appeal decisions. At present the content of this guidance would constitute a material planning consideration.

3.5.4. The guidance notes the following in terms of short-term commercial visitor accommodation:

“The change of use from a residential property to short term commercial visitor accommodation may require planning permission. In deciding whether this is the case, regard will be had 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.”

3.5.5. A further statement specifically on flatted properties is made on page 7 of the document where it notes:

*“Change of use in flatted properties will generally only be acceptable where there is a private access from the street”*

12 Springvalley Gardens is currently a commercial property.



3.5.6. As regards the property at 12 Springvalley Gardens which does enjoys its own private street access at this town centre location, it is considered that the change of use proposed here is in accordance with the non-statutory Guidance. For the reasons already mentioned in relation to policy HOU7, it is not considered that there are any potential adverse impacts on residential amenity that would warrant an overall assessment that such a use in this location was unacceptable.

### **3.6. National Planning Policy Context**

3.6.1. As noted above, NPF3 (2014) and SPP (2014) do not have the status of forming part of the Development Plan but are relevant material considerations for all planning applications. National planning policy and advice currently comprises: the National Planning Framework for Scotland 3 (2014); Scottish Planning Policy (2014 (Revised December 2020). Latterly we have been asked to review the context of NPF4 (2023) by City of Edinburgh Planning Authority which was approved in parliament on 11<sup>th</sup> January and will be adopted into Local development Plan in February 2023. Please Note the consideration of NPF3 has been left in this report as had the application been determined within time scales set out in Town and Country Planning act (1997) the Decision Notice should have been issued on 31<sup>st</sup> of October 2022 well in advance of the finalisation of NPF4 on the 11<sup>th</sup> of January.

### **3.7. The National Planning Framework for Scotland 4 (NPF4)**

3.7.1. Scotland 2045 Fourth National Planning Framework, commonly known as NPF4, is required by law to set out the Scottish Ministers' policies and proposals for the development and use of land. It plays a key role in supporting the delivery of Scotland's national outcomes and the United Nations Sustainable Development Goals. NPF4 includes a long-term spatial strategy to 2045. This reflects the spatial aspects of a range of Scottish Government policies, including the Infrastructure Investment Plan

3.7.2 Policy 9 (d) of NPF4 sets out that reuse of existing buildings will be supported.

*“Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.”*

Currently the property 12 Springvalley Garden is disused and without renovation would continue to be deteriorate, however, conversion to short term let will help stimulate the local economy by giving visitors to the area suitable accommodation.

3.7.3 The most relevant part of NPF4 in terms of the application for 12 Springvalley Gardens is the section around tourism specifically Policy 30 (e) :

*“Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:*

*i. An unacceptable impact on local amenity or the character of a neighbourhood or area;*

*or*

*ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.”*

It is our firm belief that the development does not detrimentally affect the local amenity or character of the area. The property has never been converted for residential uses and therefore there is no loss of residential accommodation.





### 3.8. The National Planning Framework for Scotland 3 (NPF3)

3.8.1. NPF3 represents a spatial expression of the Scottish Government's aspirations for sustainable economic growth in Scotland over the next 20-30 years. It sets out at the national level, the Scottish Government's strategy for the country's development, in terms of how we are to develop our environment and includes development proposals identified as schemes of national importance. Whilst it is not prescriptive, NPF3 will form a material consideration when determining applications and, as such, will be a consideration in determining the application for any proposed development.

3.8.2. Of particular relevance to this proposal therefore is paragraph 1.7 of the document which recognises tourism as one of Scotland's key economic sectors, as well as page 12 of the document which states that:

*"Edinburgh is one of Europe's most important centres for financial services and tourism, and the world's foremost festival city".* Finally, in the section 'Further key actions', the document notes that *"Planning authorities will support VisitScotland's Tourism Development Framework in their development plans"*.

### 3.9. Scottish Planning Policy (SPP)

3.9.1. Scottish Planning Policy (SPP) (2014) is a statement of Scottish Government policy on land use planning.

3.9.2. Where relevant to the current proposals, SPP recognises tourism as one of the *"key sectors for Scotland with particular opportunities for growth"*.

## 4. RECENT APPEALS

4.1. There have been a number of recent planning decisions taken by the Planning Authority where the impact of recent planning appeals was taken into account as a material consideration. The respective Reports of Handling have all noted that the reasoning set out in the appeals are germane in helping to assess whether short stay letting is acceptable or not. The Reports of Handling in each case have referred to the main determining issues as comprising the following matters which are considered individually below in paragraphs 4.2 to 4.6:

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

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

4.2. The property at 12 Springvalley Gardens enjoys its own private access.



4.3. The property at 12 Springvalley Gardens is of a modest scale and it is anticipated that the short term licence will be limited to 4 or less guests. This is not considered an unusual overall quantum of people to be using a property of this type. The specific movements of a small group renting the property are difficult to anticipate but would be expected to be mostly characterised by more frequent movements during office hours when shops, services and attractions are open, with perhaps a single movement from and to the property as guests go out for the evening to the many restaurants and bars in the area.

4.4 With regards to the scale of the property it is not considered ideal as a long term let due to the limited size of the kitchen and lack of storage space throughout the property. There is also no garden space associated with the property at all.

4.5. In terms of shopping and using local services, the domestic scale of the property makes it likely that guests will use this largely in the same way as long-term residents.

4.6. The property is located a short walk from Morningside Road recognised in the Adopted Local Development Plan as providing a town centre function for shops, services and public transport.

4.7. The property is in a dynamic area of mixed use which while in part made up of residential properties there are a large number of commercial and community spaces nearby. Accordingly an area such as this is considered to be suitable for hosting small-scale short term letting activity of this kind, as the potential for this to create meaningful adverse impacts on neighbouring residential uses is considered to be low.

4.8. Overall, when assessed against the main determining issues identified by the Directorate of Planning and Environmental Appeals, and recognised by City of Edinburgh Council Planning Officers, the continued use of this property for short-term letting is considered to be acceptable.

4.9. Also considered relevant to this application are the recent appeal decisions at 7A and 7B Jamaica Street Lane where the DPEA Reporter offered commentary on a number of matters that may be considered in the determination of this application.

*"the property has its own front door, and as discussed above, I consider adverse impacts on residential amenity would be minimal. The separate statement in the guidance that changes of use of flats will be acceptable where there is a private access from the street would appear to offer support for the proposal".*

*"I accept that the pattern of use of a commercial short-term holiday let may be different from that of a permanent home. Though likely to be occupied for fewer days in the year, there may be more comings and goings when the property is let, particularly in the evening. I consider that only one property (7C Jamaica Street South Lane) has the potential to be significantly affected, but that in reality adverse impacts are unlikely to arise in this case. This is due to the transitional commercial character of the location (in particular the close proximity of a public house), which leads me to conclude that existing levels of background noise in the area are likely to be quite high. I note the objection from the flat above the appeal property, but overall there does not appear to have been a history of numerous complaints over the years this use has been operating. For these reasons I conclude that the proposal would be unlikely to give rise to any significant disturbance to local residents".*

## CONCLUSION

The regulatory context for short-term letting in Scotland is changing. As has been determined by both the Scottish Government and City of Edinburgh Council in recent times, there is now an appetite by policy makers to see the sector become better regulated.

The forthcoming licensing regime has confirmed that planning permission for change of use is a necessary pre-condition to securing a licence. The wording of City of Edinburgh Council's adopted LDP policy HOU7 and its supporting Guidance, means that in reality very few of the city's currently operating short-term let properties appear likely to be able to secure planning permission, and by extension a licence. With the introduction on NPF4 Policy 30 ( e) even fewer short term lets will be considered acceptable.





It is important to remember however that the City of Edinburgh Council has stressed on numerous occasions that this does not amount to a blanket ban, and proposals for change of use for properties that meet important qualifying criteria should be supported – a principle that has guided decision making at the Council and the DPEA.

The small number of properties that do have the potential to meet the existing policies therefore have an important future contribution to make to the city's tourism landscape. Such properties if located in appropriate locations and settings and managed according to best practice, can play an important role in diversifying the visitor accommodation offer across the city. These can continue to provide a small quantum of specialist accommodation that can complement hotels, hostels, Guest Houses and Bed and Breakfasts, and offer a different type of 'authentic' accommodation for visitors; important in particular for those for whom conventional accommodation may not be appropriate.

The applicant is confident that the property at 12 Springvalley Gardens is one such property that can make a valuable contribution in this way. This is a relatively small and self-contained property in a neighbourhood that is home to a dynamic mixture of uses including retail, commercial, community, and residential, where occasional uses such as this can be successfully assimilated into the local area with minimal adverse impact on other uses.

Most importantly in the context of policy HOU7 and NPF4 Policy 30 therefore, should this application be approved, it is considered that there will be no adverse impact on the amenity of existing residential neighbouring properties, or indeed on the overall vibrancy of the area.

In contrast to any likely adverse impact, it is considered that if this application is approved, 12 Springvalley Gardens, will be a valuable asset to the local area and the city's wider tourism landscape, especially in the context of a smaller quantum of short-term letting accommodation being available elsewhere in the city in the coming years.

With respect to NPF4 Policy 30 there is also no loss of residential accommodation since the property has never been used as a residential dwelling throughout its existence. Its most current use was as an office space, however, it has lay disused for several years exposed to the weather and rotting. In accordance with policy 9 of the NPF4 the reuse of this building as short term let will be beneficial to the local area. Further to this is brings a building back into a usable state of repair and enhances the overall appearance of the local area in accordance with international conservation principles.

Taking all of the foregoing into account, it is hoped that Officers will be able to support this application, as it is considered to successfully address Local Development Plan policy HOU7 and its supporting Guidance. There are not considered to be any policy matters that would warrant refusal of this application, and accordingly it is respectfully requested that this application be recommended for approval.

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**Decision date: 27 March 2023**

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

Proposed change of use from office to short-term holiday let accommodation.  
At 12 Springvalley Gardens Edinburgh EH10 4QG

**Application No:** 22/04432/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 5 September 2022, this has been decided by **Local Delegated 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:-**

1. No conditions are attached to this consent.

**Reason for Refusal:-**

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this dwelling as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal is contrary to National Planning Framework 4 policy 30(e) part (i) in respect of local amenity, as the use of this dwelling as a short stay let will result in an unacceptable impact on local amenity and surrounding area.

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

Drawings 01, 02A, 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:

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 James Armstrong directly at [james.armstrong@edinburgh.gov.uk](mailto:james.armstrong@edinburgh.gov.uk).

A handwritten signature in dark ink, appearing to read 'D. G. ...', followed by a long horizontal line.

**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](http://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](mailto: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.





