

Regulatory Committee

12.30pm, Monday 5 February 2024

Short-term Lets – referral from Planning Committee

Executive/routine
Wards
Council Commitments

1. For Decision/Action

- 1.1 The Planning Committee has referred a report on Short-term Lets to the Regulatory Committee for consideration.

Dr Deborah Smart

Executive Director of Corporate Services

Contact: Joanna Pawlikowska, Committee Services
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Referral Report

Short-term Lets – referral from Planning Committee

2. Terms of Referral

2.1 On 31 January 2024, the Planning Committee considered a report which responded to a request from the Council, which set out the implications of the Judicial Review in respect of short-term lets and planning.

2.2 The Planning Committee agreed:

Motion

- 1) To note the information provided in the report by the Executive Director of Place.
 - 2) To note that officers inform Councillors of appeal outcomes and asked that links to the cases were added to the regular reporting in the business bulletin.
 - 3) To ask for an update on how Planning and Licensing officers were working together on STLs in the next business bulletin, and recognised that this was an operational matter but considered that Committee needed to understand the process in order to exercise appropriate scrutiny.
 - 4) To note that a letter was received from ASSC which was circulated to members and asked that officers provided a briefing on the matters raised and a report detailing this to the next Planning Committee.
 - 5) To request that matters arising out of the Short Term Lets working group were detailed in the Business Bulletin and to note that any matters requiring Committee decisions would be brought to the relevant Committee.
 - 6) To approve the amended Guidance for Business (January 2024) which took account of the Court decision.
 - 7) To refer this report to the Regulatory Committee for consideration.
 - 8) To agree that training should be provided for Committee members on Short Term Lets (STLs) and training on appeal outcomes as referenced.
- moved by Councillor Dalgleish, seconded by Councillor Cameron.

Amendment

- 1) To note the report and thank officers for their work in responding to the judicial review judgement of December 2023.

Guidance for Business

- 2) To approve the amended Guidance for Business (January 2024) (Appendix 1 of the report by the Executive Director of Place) which took account of the court decision.

Communication with licensing colleagues

- 3) To agree that good communication between planning and licensing colleagues was essential for effective regulation of STLs, and therefore asked planning officers to ensure that licensing colleagues were notified:
 - a) on the submission of an application for planning consent (both full planning consent and certificate of lawful use applications) for an STL.
 - b) when an application for planning consent for an STL had been determined.
 - c) what the outcome of that determination was.
- 4) To note that officers inform Councillors of appeal outcomes and asks that links to the cases are added to the regular reporting in the business bulletin.
- 5) To request that matters arising out of the Short Term Lets working group are detailed in the Business Bulletin and notes that any matters requiring Committee decisions will be brought to the relevant Committee.

Referral to Regulatory Committee

- 6) To refer the report to Regulatory Committee for consideration, and recommended that the Executive Director of Place provided a covering report for Regulatory Committee which addressed the interplay between planning and licensing of STLs insofar as it fell within the remit of Regulatory Committee, and that this covering report may include, but not be limited to, the following issues:
 - a) good communications between planning and licensing colleagues in respect of STL applications and decisions.
 - b) ensured that licensing colleagues were notified on the validation and determination of STL planning consent applications (both full planning and certificate of lawful use applications).
 - c) whether the Council would consider using discretionary powers of preliminary refusal for a breach of planning control under paragraph 2a of schedule 1 of the Civic Government (Scotland) Act 1982 as amended by the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 and, if so, what the implications of using those powers would be; and a suggested timetable for the use of those powers.

Training for Committee Members

7) To agree that training should be provided for committee members on short-term lets (STLs).

- moved by Councillor Booth, seconded by Councillor Staniforth

Voting

For the Motion - 6 votes

For the Amendment - 5 votes

(For the motion – Councillors Beal, Cameron, Dalgleish, Jones, Mowat and Osler.

For the Amendment – Councillors Booth, Gardiner, Mattos-Coelho, McNeese-Mechan and Staniforth.)

Decision

To approve the motion by Councillor Dalgleish.

3. Background Reading/ External References

3.1 Minute of the Planning Committee – 31 January 2024

3.2 [Planning Committee – 31 January 2024 – Webcast](#)

4. Appendices

Appendix 1 – Report by the Executive Director of Place

Planning Committee

2.00pm, Wednesday, 31 January 2024

Short-term Lets

Executive/routine
Wards

All

1. Recommendations

- 1.1 It is recommended that Committee:
 - 1.1.1 Notes the information provided in this report;
 - 1.1.2 Approves the amended Guidance for Business (January 2024) which takes account of the Court decision;
 - 1.1.3 Refers this report to the Regulatory Committee for consideration; and
 - 1.1.4 Agrees that training should be provided for Committee members on Short-Term Lets (STLs).

Paul Lawrence

Executive Director of Place

David Givan, Chief Planning Officer and Head of Building Standards

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Short-term Lets

2. Executive Summary

- 2.1 This report responds to a request from the Council and sets out the implications of the Judicial Review in respect of short-term lets and planning.
- 2.2 Following a request from Planning Committee, it considers:
- Enforcement;
 - The impacts of appeal and local review outcomes on development decisions and on development plan policies and guidance;
 - The relationship between the licensing and planning regimes and practice; and
 - Whether updates to practice or training are recommended.

3. Background

- 3.1 The Edinburgh Short-term Let Control Area came into force on 5 September 2022.
- 3.2 At Planning Committee on [15 November 2023](#), Committee requested a report within two cycles which provides an update on short-term lets in relation to:
- Enforcement.
 - The impact of appeal and local review outcomes on development decisions.
 - The impact of development plan policies and guidance.
 - The relationship between the licensing and planning regimes and practice.
 - Whether updates to practice or training are recommended.
- 3.3 On 1 December 2023, Lord Braid issued his Opinion on the Judicial Review of the Council's approach to the issue of whether Section 26B (2) of the Town and Country Planning (Scotland) Act 1997 (the "1997 Act") has any retrospective effect. Section 26B (2) states:

“In a short-term let control area, the use of a dwellinghouse for the purpose of providing short-term lets is deemed to involve a material change of use of the dwelling house.”

- 3.4 Lord Braid’s Opinion clarifies that Section 26B (2) should be read as applying only to a proposed future change of use after 4 September 2022. Depending on the facts and circumstances, consideration may require to be made as to whether there has been either a non-material change of use prior to 5 September 2022 or non-enforcement for 10 years.
- 3.5 The amendments to the Council’s non-statutory Guidance for Businesses (which were approved in April 2023) were reduced by the Court. This means it can no longer be used in the form approved by Committee in April 2023. The document is not policy but provides guidance on the application of policy. It was solely reduced by the Court because of statements within it that suggested that short-term let uses taken up before the Control Area came into force, are deemed in terms of Section 26B (2) to be material changes of use which require planning permission.
- 3.6 At the Council meeting on 14 December 2023, a [composite amendment](#) was approved that requested a report come to Planning Committee detailing the implications of the Judicial Review and what outcomes this will have on Short-Term Let Planning Policy and the assessment of Short-Term Let Planning Applications, what implication this may have for the Council’s Short Term Let Licensing Scheme, and potential amendments to the ‘Guidance for Businesses’ which comply with the judgement.
- 3.7 Council also agreed that this report should be sent to the Regulatory Committee and the Short Term Lets Working Group for information.
- 3.8 This report fulfils these requirements from the Council and Planning Committee.

4. Main report

Implications of Judicial Review

- 4.1 The judicial review has no impact on the planning policies that are typically used to assess short-term let planning applications. These policies are Edinburgh Local Development Plan Policy Hou 7 - Inappropriate Uses in Residential Areas and Policy 30 of National Planning Framework 4. They are unaltered by the Court.
- 4.2 Uses of dwellinghouses for short-term secondary let purposes that commenced after the Control Area came into force are deemed to be material changes of use and therefore require planning permission. There is no impact on those properties from the Judicial Review.
- 4.3 Where applications are made for pre-control area changes of use from dwellinghouses to short-term lets, it now needs to be considered whether a material change of use has occurred using a fact and degree assessment. Prior to the control area coming into force, each short term let application or enforcement case

was assessed on this basis and it was often concluded for properties being used for short-term secondary let purposes that a material change of use had occurred thereby requiring planning permission. It remains the case that some pre-control area changes of use will be material changes of use that require planning permission. However, there is potential that some such changes of use may, in terms of the fact and degree assessment, be determined as not being material changes of use that require planning permission.

- 4.4 The practical implications of the Judicial Review for the workload of the Planning service are:
 - 4.4.1 It is likely to take longer to determine applications due to the fact and degree assessment as each case must be considered on its own merits. In relation to this, many applications have stated the use commenced before 5 September 2022;
 - 4.4.2 Most recent applications are for certificates of lawfulness of existing use. Where these applications are refused, planning permission is required. Therefore, planning permission may then be sought (adding to workloads); and
 - 4.4.3 Given there is lesser certainty about where material changes of use have occurred, there is a potentially a greater likelihood that refusals of both certificates of lawfulness and planning applications will be appealed.
- 4.5 The April 2023 version of the Guidance for Business has been amended to take account of the Court Decision (Appendix 1). As the amendments to the Guidance are solely to address the Judicial Review judgment, it is not considered that further consultation is necessary. It is recommended this amended guidance is approved. In Appendix 1 additions are highlighted in yellow, while deletions are shown in scored out red text.
- 4.6 It is not proposed that the guidance is further changed at this stage. It may be appropriate to review the guidance once City Plan 2030 is adopted to reflect the up-to-date development plan at that stage. It is not proposed to change the process in relation to the fact and degree assessment of whether a material change of use has occurred that was in place prior to the control area coming into force. Changes to guidance that go beyond addressing the court decision would require to be consulted on.
- 4.7 The Judicial Review principally related to STL Planning matters, but it also touched on the interrelationship with the Council's STL licensing policy. The 1 December 2023 Judgment stated that that the licensing form should be amended to better reflect that there may be cases where planning permission is not required. The relationship between licensing and planning is considered further below.

Enforcement

- 4.8 During 2023 there were 264 reports to the Council of possible breaches of planning control in relation to short-term lets. During 2023, 89 enforcement notices were issued requiring the cessation of the unauthorised use.
- 4.9 The planning service is continuing to assess reports of possible breaches and will continue to act where it is in the public interest do so.
- 4.10 Where planning permission is required and is not in force or has not been applied for and not yet decided, the licensing team will be advised of this and can take appropriate action.

Impact of appeal and local review outcomes on development decisions

- 4.11 In respect of STL cases, planning appeals to the Planning and Environmental Appeals Division (DPEA) are made for planning enforcement notices, planning applications that have been refused at Committee and applications for certificates of lawful use that have been refused. Generally, it has been found that the DPEA has supported the Council's decisions. This suggests the Council has been assessing these cases appropriately.

Impact of development plan policies and guidance

- 4.12 Applications for planning permission are decided in accordance with the development plan, principally comprised of the Edinburgh Local Development Plan 2016 ("LDP") and National Planning Framework 4 ("NPF4"), unless outweighed by material considerations. The principal development plan policies relating to short-term lets are LDP policy Hou 7 and NPF4 policy 30. The adoption of NPF4 in February 2023, and its new requirements on housing loss, is having an impact on decisions. Since then, there have been proportionately fewer planning permissions granted than previously where only the issue of amenity was considered.
- 4.13 The Council's next Local Development Plan, City Plan 2030, is under examination at present. It contains proposed policies Hou 8 Inappropriate Uses in Residential Areas (which is similar to current LDP policy Hou7) and new policy Hou7 Loss of Housing. There is potential for the wording of policies to be altered where the report of examination recommends that. Once City Plan is adopted it will replace the LDP and its policies will be used alongside NPF4 in the determination of applications.

Relationship between the licensing and planning regimes and practice

- 4.14 Mandatory condition 13 which is imposed on a license granted under the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 requires that where planning permission is needed, licensees either have applied for planning permission or have planning permission in place. This mandatory condition applies to all properties that need planning permission and are being used for short-term let purposes, so includes both those that are deemed to be material changes of use under Section 26B of the 1997 Act and those cases where a material change of use has occurred under Section 26 of the 1997 Act.

4.15 The Council's "City of Edinburgh Council Short Term Lets Licensing Policy" seeks information on the planning status of secondary let properties. The application form has been updated following the second Judicial Review to address the courts comments. Where this information is not provided or is unclear with STL licence applications, the Licensing team will engage with the applicant and discuss the circumstances and seek further information. Thereafter, if there remains an outstanding issue with the planning status of the property the Licensing service would ask the Planning service to confirm the planning status of the property before determining the licence application. The licence will require to be determined within the statutory determination period. The Council approach to enforcement of licensing issues has been approved by the Regulatory Committee at its meeting in October 2023.

Whether updates to practice or training are recommended

4.16 Training has been conducted with planning staff on STLs.

4.17 It is recommended that further training is carried out with Planning and Regulatory Committee members on STLs.

Other matters

4.18 On reviewing the Guidance for Business in order that it can be amended to reflect the court decision, it was noted that it does not accurately reflect legislation for houses of multiple occupation. It is proposed the guidance is also changed to reflect the current legislation. This change is highlighted in Appendix 1.

5. Next Steps

5.1 The Planning service will continue to assess and determine applications and enforcement cases. It will also continue to liaise with the Licensing team and support it in progressing license applications.

5.2 The Short-Term Lets Working group will continue to meet and matters arising from it that require Committee decisions will be reported accordingly.

5.3 Training will be arranged for members of the Planning and Regulatory Committees.

6. Financial impact

6.1 The cost of administering planning applications is largely covered by the fees received. The cost of progressing planning enforcement investigations, planning appeals and local reviews is not. It is expected that there will continue to be pressures on the service due to the large number of short-term let applications, appeals, reviews and enforcement cases that it is progressing. The judicial review decision is likely to exacerbate that pressure due to the issues highlighted at paragraph 4.4. Planning will seek to contain any emerging pressures within existing budget and resources.

7. Equality and Poverty Impact

- 7.1 As the report is not making recommendations which have equality or poverty impacts, there are no impacts on equality arising from this report.

8. Climate and Nature Emergency Implications

- 8.1 As the report is not making recommendations that have climate or nature emergency implications, there are no impacts on these matters arising from this report.

9. Risk, policy, compliance, governance and community impact

- 9.1 Given there has now been two legal judicial reviews in respect of the Council's approach to short-term lets, there is a risk of further legal challenge. This could come about in relation to any decisions that the Council makes.
- 9.2 If a challenge is made, the relevant councillors will be consulted before any decision is made on what action to take.
- 9.3 To reduce the risk of potential challenge the Planning and Licensing teams liaise with the Legal service on matters arising.

10. Background reading/external references

- 10.1 Report to Planning Committee of 19 April 2023 on [Proposed Changes to Short Term Let Guidance in the Non-Statutory Guidance for Businesses](#)
- 10.2 [Opinion of Lord Braid in the Petition of \(First\) Iain Muirhead and \(Second\) Dickins Edinburgh Limited for Judicial Review](#)
- 10.3 The [Town and Country Planning \(Scotland\) Act 1997](#)
- 10.4 [Edinburgh Local Development Plan](#)
- 10.5 [National Planning Framework 4](#)

11. Appendices

- 11.1 Appendix 1 – Proposed amended Guidance for Businesses.

Appendix 1

Proposed amended Guidance for Businesses

Changes from the April 2023 version are shown as follows:

- Additional text highlighted in yellow.
- Deletions shown in scored out red text – ie: ~~text~~

Guidance for Businesses

April 2023

January 2024



Guidance for Businesses



Who is this guidance for?

This guidance is intended to assist businesses in preparing applications to change the use of a property or carry out alterations to a business premises.



Policy Context

This document interprets policies in the *Edinburgh Local Development Plan*. Relevant policies are noted in each section and should be considered alongside this document.



Misc: Student Housing, Radio Telecommunications, Open Space Strategy etc.

This document and other non-statutory guidance can be viewed at: www.edinburgh.gov.uk/planningguidelines

Listed Buildings and Conservation Areas

If the building is listed or located within a Conservation Area, guidance on *Listed Buildings and Conservation Areas* must also be considered. Boxes throughout this guideline give specific information relating to Listed Buildings and Conservation Areas. You can check if your property is listed or located within a conservation area on the Council's website www.edinburgh.gov.uk/planning

Business Gateway

Business Gateway offers businesses free practical help and guidance. Whether you're starting up or already running a business, and provide access to business support and information services.

To get more information on help for your business, or to book an appointment with our experienced business advisers please contact our Edinburgh office.

Contact details:

Business Gateway (Edinburgh Office)
Waverley Court
4 East Market Street
Edinburgh
EH8 8BG
Tel: 0131 529 6644

Email: bglothian@bgateway.com

www.bgateway.com

This guidance was initially approved in December 2012 and incorporates additional text on short term commercial visitor accommodation approved in February 2013, and minor amendments approved in February 2014, February 2016, March 2018 and February 2019.

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Do I need Planning Permission?

Planning Permission

Planning permission is required for many alterations, and changes of use. However, some work can be carried out without planning permission; this is referred to as 'permitted development'. Permitted development is set out in legislation.

Common enquiries are set out in the relevant chapters of this document.

If you believe your building work is 'permitted development', you can apply for a [Certificate of Lawfulness](#) to confirm that the development is lawful and can go ahead. This can be applied for online at www.eplanning.scot

What is a change of use?

Most properties are classified under categories known as a 'Use Class'. For example, shops are grouped under Class 1 and houses under Class 9. Some uses fall outwith these categories and are defined as 'sui generis', meaning 'of its own kind'. This is set out in The Use Classes (Scotland) Order 1997 (as amended).

Changing to a different use class is known as a change of use and may require planning permission, although some changes between use classes are allowed without planning permission. Planning permission is not required when both the present and proposed uses fall within the same 'class' unless there are specific restrictions imposed by the council. The Scottish Government Circular 1/1998 contains guidance on use classes.

Listed Buildings and Conservation Areas

Fewer alterations are considered to be permitted development and most changes to the outside of a building, including changing the colour, require planning permission. More information on other consents which may be required is included on the next page.

Listed Building Consent

Listed building consent is required for works affecting the character of listed buildings and also applies to the interior of the building and any buildings within the curtilage. Planning permission may also be required in addition to Listed Building Consent. If your building is listed, specific guidance on [Listed Buildings and Conservation Areas](#) must also be considered along with this document.

What Other Consents Might Be Required?

Advertisement Consent

Advertisements are defined as any word, letter, model, sign, placard, board, notice, awning, blind, device or representation, whether illuminated or not, and employed wholly or partly for the purpose of advertisement, announcement or direction.

While many advertisements require express consent, certain types do not need express consent as they have 'deemed consent'. You can check this by consulting [The Town and Country Planning \(Control of Advertisements\) \(Scotland\) Regulations 1984](#). Advertisements displayed in accordance with the advert regulations do not require advertisement consent.

Illuminated shopfront signage in a conservation area requires advertisement consent.

Building Warrant

Converted, new or altered buildings may require a Building Warrant. There is more Building Standards information at www.edinburgh.gov.uk/buildingwarrants. For detailed information please go to the [Scottish Government website](#).

Road Permit

You must get a permit to the Council if you want to carry out work in or to occupy a public street. A [road permit](#) will be required if forming a new access or driveway or if placing a skip or excavation in a public road. It will also be required for scaffolding

or to occupy a portion of the road to place site huts, storage containers, cabins, materials or contractors plant, to put up a tower crane or to operate mobile cranes, hoists and cherry pickers from the public highway. For more information contact the Areas Roads Manager in your [Neighbourhood Team](#).

Licensing

Some activities, such as the sale and supply of alcohol or late hours catering, require a licence.

Please contact [Licensing](#) for more information on 0131 529 4208 or email licensing@edinburgh.gov.uk.

~~The Civic Government (Scotland) Act 1982 (Licensing of houses in Multiple Occupation) Order 2000, requires operators of HMOs to obtain a licence allowing permission to be given to occupy a house as a HMO where it is the only or principal residence of three or more unrelated people.~~ Part 5 of the Housing (Scotland) Act 2006 requires HMOs to be licensed unless exempt. A license gives permission to occupy a house as an HMO. An HMO is a house where three or more unrelated people reside as their main residence.

Table and Chairs Permit

If your business sells food and drink you may be able to get a permit from the Council to put tables and chairs on the public pavement outside your business.

A [tables and chairs permit](#) allows you to put tables and chairs on the public pavement between 9am and 9pm, seven days a week and is issued for either six or twelve months. For more information please email

TablesChairsPermits@edinburgh.gov.uk or phone 0131 529 3705.

Biodiversity

Some species of animals and plants are protected

by law. Certain activities, such as killing, injuring or capturing the species or disturbing it in its place of shelter, are unlawful. It is also an offence to damage or destroy a breeding site or resting place (or obstruct access to).

If the presence of a European Protected Species (such as a bat, otter or great crested newt) is suspected, a survey of the site must be taken. If it is identified that an activity is going to be carried out that would be unlawful, a license may be required.

More information on European Protected Species, survey work and relevant licenses is available on the [Scottish Natural Heritage website](#).

Trees

If there are any trees on the site or within 12 meters of the boundary, they should be identified in the application. Please refer to [the Edinburgh Design Guidance \(chapter 3.5\)](#) for advice.

All trees in a Conservation Area or with a Tree Preservation Order are protected by law, making it a criminal offence to lop, top, cut down, uproot wilfully, damage or destroy a tree unless carried out with the consent of the council. To apply for works to trees, go to www.eplanning.scot.

Trade Waste

Proposals for commercial use of a property should ensure that there will be sufficient storage space off street to store segregated waste containers, in line with the Council's Trade Waste policy.

Changing a Residential Property to a Commercial Use

What does this chapter cover?

Changes of use to:

- private day nurseries
- house in multiple occupation (HMOs)
- running a business from home
- guest house
- short term let accommodation

This guideline is not intended to address new hotel development which is covered by [Edinburgh Local Development Plan](#) (LDP) Policy Emp 10 Hotel Development.

Where an extension to a residential property is required to then run a business from home, please refer to the [Guidance for Householders](#) to understand what permissions are required.

When is planning permission required?

Some activities within a residential property can be undertaken without requiring planning permission. Some common enquiries are given below.

What should I do if it is permitted development?

If you believe planning permission is not required, you can apply for a [Certificate of Lawfulness](#) for legal confirmation.

Private day nurseries

The change of use from a residential property to a private day nursery requires planning permission.

Where child minding is undertaken from a residential property, whether a change to a private day nursery has occurred will be assessed on a case by case basis. Consideration will be given to the number of children, the frequency of activity and the duration of stay. The criteria under 'Running a business from home' should also be considered.

Houses of Multiple Occupation (HMOs)

The sharing of accommodation by people who do not live together as a family is controlled at the point at which there is considered to be a material change of use. For houses, Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 considers this to be when more than 5 people are living together, other than people living together as a family. As with houses, the Council would also expect a material change of use to occur in flats when more than 5 unrelated people share accommodation. All planning applications for Houses in Multiple Occupation (HMOs) are assessed using LDP Policy Hou 7: Inappropriate Uses in Residential Areas, having regard to the advice below.

Running a business from home

Proposals which comply with all the following may not need planning permission, but always check with the council first.

- There should be no change in the character of the dwelling or the primary use of the area. For example, signage, display of commercial goods, increased pedestrians and vehicular movements, noise etc.
- There should be no more than the parking of a small vehicle used for commercial and personal purposes within the curtilage of a dwelling house.
- Any ancillary business should not be detrimental to the amenity of the area by reason of noise, vibration, smell, fumes, smoke, ash, dust, or grit.
- There should be no impact on the amenity or character of the area as a result of visitors or deliveries to the property.
- The primary use of the property must be domestic and any members of staff on the premises should have no impact on the amenity and character of the property.

Using your home as a guest house

Planning permission will not be required for the use of a house as a bed and breakfast or guest house if:

- The house has less than four bedrooms and only one is used for a guest house or bed and breakfast purpose
- The house has four or more bedrooms and no more than two bedrooms are used for a guest house or bed and breakfast purpose.

Planning permission will always be required if a flat is being used as a guest house or bed and breakfast, regardless of the number of rooms.

Short Term Let Accommodation

The city-wide Edinburgh Short-term Let (STL) Control Area came into force on 5 September 2022, which means that the use of a residential property for short-term let accommodation will constitute a change of use requiring The Council has designated all of its area a Control Area in terms of section 26B of the Town and Country Planning (Scotland) Act 1997 (“the 1997 Act”). That designation means that from 5 September 2022 there is a city-wide Edinburgh Short-term Let (STL) Control Area. Accordingly, a change of use of a dwellinghouse to use for a short-term let occurring on or after that date within the Control Area will be deemed a material change of use and will require planning permission provided that:

- It is not a private tenancy under Section 1 of the Private Housing (Tenancies) (Scotland) Act 2016;
- It is not a tenancy of a dwellinghouse (or part of one) where all or part of the dwellinghouse is the principal home of the landlord or occupier;
- Sleeping accommodation is provided to one

or more persons for one or more nights for commercial consideration (i.e. an exchange of money);

- No person to whom sleeping accommodation is provided is an immediate family member of the person by whom the accommodation is being provided;
- The accommodation is not provided for the principal purpose of facilitating the provision of work or services to the person by whom the accommodation is being provided or to another member of that person’s household;
- The accommodation is not provided by an employer to an employee in terms of a contract of employment for the better performance of the employee’s duties; and
- The accommodation is not a hotel, boarding house, guest house, hostel, residential accommodation where care is provided to people in need of care, hospital or nursing home, residential school, college or training centre, secure residential accommodation (including a prison, young offenders institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation or use as military barracks), a refuge, student accommodation or an aparthotel.

Section 26B of the 1997 Act applies where change of use of a dwellinghouse occurs after designation of a control area. However, it is important to remember that section 26B does not replace the existing requirements of the 1997 Act in respect of the need for planning permission for a material change of use. This means that a material change of use to short-term letting whether before or after 5 September

2022 would require planning permission. Consideration of whether the change of use is material in any particular case may include, but is not restricted to, matters such as the impact on immediate neighbours, the wider local amenity and local infrastructure. If a person wishes to ascertain whether any existing use of buildings is lawful, they can make an application for certificate of lawful use to the Council.

~~These legal requirements are set out in the Town and Country Planning (Scotland) Act 1997 and the Town and Country Planning (Short-term Let Control Areas) (Scotland) Regulations 2021.~~ Further detail and guidance on these matters is contained in the Town and Country Planning (Short-term Let Control Areas) (Scotland) Regulations 2021 and the Scottish Government’s guidance on Short Term Lets and Planning (Circular 1/2023) and their Planning Guidance for Hosts and Operators, July 2023. ~~Annex B of the Scottish Government’s Planning Circular 1 of 2021 — Establishing a Short-term Let Control Area.~~

On 1 October 2022, the licensing scheme under the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 (the “STL Licensing Order”) will was opened to receive applications for short-term let licenses. The requirement to have an STL licence license is separate from any need to have planning permission. Further information on STL licensing can be found within the Scottish Government’s Licensing Guidance for Hosts and Operators, June 2023.

In Edinburgh, due to the STL Control Area, where the use of a premises for a short-term let requires planning permission, to lawfully operate a secondary let STL under an STL ~~licence~~ license, there will be a need to either have planning permission in place, or an ongoing application for planning permission, ~~or have it in place confirmation from the Council that planning permission is not required.~~ In the event that ~~planning permission is required, and~~ the planning application and any related appeal is refused, the STL ~~licence~~ license holder cannot lawfully continue to operate the secondary let STL in terms of their licence.

“Secondary letting” means a short-term let consisting of the entering into an agreement for the use of accommodation, which is not, or not part of, the ~~licence~~ license holder’s only or principal home.

~~Further guidance on licensing can be found on the Council’s website.~~

What to consider if planning permission is required

Policy Hou 7

Sets out when uses will not be permitted in predominately residential or mixed use areas i.e. uses which would have a materially detrimental effect on the living conditions of nearby residents.

Amenity

Proposals for a change of use will be assessed in terms of their likely impact on neighbouring residential properties. Factors which will be considered include background noise in the area and proximity to nearby residents.

In the case of private day nurseries, whether nearby residential uses overlook the garden will also be considered. This is due to the potential for increased noise to those households.

Road Safety and Parking

The *car parking standards* define the levels of parking that will be permitted for new development and depends on the scale, location, purpose of use and the number of staff. Parking levels will also be dependent on the change of use and proximity to public transport.

The existing on-street parking and traffic situation will be important considerations in this assessment. The location should be suitable to allow people and deliveries to be dropped-off and collected safely. This is especially important for children going to and from a private day nursery. The potential impact on vulnerable road users – cyclists and pedestrians – will also be a consideration.

Parking in Gardens

The provision of new car parking should have regard to character and setting of the property and should normally preserve a reasonable amount of front garden. In a conservation area parking in the front garden would only be considered if there was an established pattern and it was part of the character of the area. Parking in the front garden of a listed building is not likely to be supported and there is normally a presumption against loss of original walling and railings and loss of gardens. Further information on the design of parking in gardens can be found in the [Guidance for Householders](#).

Flatted Properties

Change of use in flatted properties will generally only be acceptable where there is a private access from the street, except in the case of HMOs. Nurseries must also benefit from suitable garden space.

Further information

If a proposal has the potential to result in impacts then these should be addressed at the outset so they can be considered by the case officer. Examples of information that may be required include:

- An acoustic report if there is potential for noise impact.
- Details of ventilation systems if the application has the potential to create odour problems, and details of the noise impact of any proposed ventilation system.
- Details of any plant and machinery
- Details of attenuation measures if structure-borne and air-borne vibrations will occur.

Short Term Let Accommodation

Applications for a change of use to short-term let accommodation will be assessed and determined against the relevant policies of the development plan and material considerations, both with respect to LDP policy Hou 7 and National Planning Framework 4 (“NPF 4”) policy 30(e) are two relevant policies of the development plan, and material considerations. The table below principally provides guidance in respect of LDP Policy Hou 7. It may but it also provides some assistance in relation to considering NPF 4 Policy 30 (e) criteria (i). This table is not relevant to the consideration of NPF 4 Policy 30 (e) criteria (ii).

<p>The character of the new use and of the wider area.</p>	<p>Where the location is predominantly commercial in character and there are no residential properties in nearby, adverse impacts on amenity are less likely. This means it is more likely short-term lets (STLs) can be supported in such locations.</p> <p>Where the location is mixed in character (residential / commercial) regard will be had to the nature of surrounding uses and the proximity of the proposal site to residential properties. Where there is likely to be a further deterioration on residential amenity in such mixed areas, it is unlikely that short term let proposals will be supported.</p> <p>Where the street has a quiet nature or low ambient noise levels (particularly at night-time), STL will not generally be supported. No weight will be given to the existence of neighbouring unlawful STLs as justification for the grant of planning permission for an STL.</p> <p>The Planning service will assess the merits of any proposal against its impact on the lawful planning use of nearby properties. Where the area is wholly residential, it is unlikely that short-term let proposals will be supported.</p>
<p>The size of the property.</p>	<p>Larger properties can have a greater capacity for guests. Where there are greater numbers of guests, there is increased potential for noise and disturbance. Both the number and size of rooms will be taken into account when considering this.</p>
<p>The pattern of activity associated with the use including numbers of occupants, the period of use, issues of noise, disturbance, and parking demand.</p>	<p>If the property is accessed off a stair where there are other flats off that stair, it is very unlikely that a change of use will be supported. This is because it has been found that existing residents of flats within stairs are particularly affected by the pattern of activity which often results from STL use where multiple sets of guests stay for short periods of time throughout the year. Guests of the short-term let properties can arrive late at night and make noise and cause disturbance in a way which residents of that stair would not, given they will know of the impacts that they have on one another and be able to manage those impacts in a neighbourly way. Examples of disturbance include bumping suitcases up stair and using washing machines in the middle of the night.</p> <p>If the property does have its own main door access regard must be had to the other criteria within this table.</p> <p>Planning permission is granted to property rather than individuals, which means that property can change hands and be operated in a different way than was intended by the applicant for planning permission. Because of this, when considering the pattern of activity associated with a use, only limited regard can be had to how an applicant intends to manage that.</p> <p>It should be noted that licensing of STLs is separate from the planning system.</p>
<p>The nature and character of any services provided.</p>	<p>Where there is access to a communal garden which can be used by existing residential properties, or where there is a garden that would form part of the curtilage of an STL and would be in close proximity to residential gardens, STLs will generally not be supported. Where parking is provided, this will be considered within the context of the Council’s parking policies and guidance.</p>

Changing to a Food or Drink Use

What does this chapter cover?

Uses such as:

- Restaurants, cafes and snack bars (Class 3)
- Hot food takeaways (Sui Generis)
- Cold food takeaways which are classed as a shop (Class 1)
- Public houses and bars (Sui Generis)
- Class 7 uses (hotels and hostels) licensed or intending to be licensed for the sale of alcohol to persons other than residents or persons other than those consuming meals on the premises. i.e. with a public bar.

It does not include:

- Class 7 uses (hotels and hostels) without a public bar.

When is planning permission required?

Some food and drink uses do not require planning permission. Information on some common enquiries is given on this page.

Changing a shop to Class 3 use or hot food takeaway

Planning permission is required for a change of use from a shop to a hot food takeaway or to a Class 3 use, such as a café or restaurant. Whether this change has, or will occur will be determined on a case by case basis. Regard will be given to:

- Concentration of such uses in the locality
- The scale of the activities and character and appearance of the property
- Other considerations are the impact on vitality and viability, the effect on amenity and potential road safety and parking problems.

What should I do if it is permitted development?

If you believe planning permission is not required, you can apply for a [Certificate of Lawfulness](#) for legal confirmation.

Selling cold food for consumption off the premises

Businesses selling cold food for consumption off the premises, such as sandwich bars, fall within Class 1 shop use. If the building is already in use as a shop then permission is not required.

Some secondary uses alongside the main uses also do not need permission; this is dependant on the scale of the activity.

Ancillary uses which are not likely to require planning permission in addition to a Class 1 shop use are:

- The sale of hot drinks
- The provision of microwaves, soup tureens and/or toasted sandwich machines.
Note: hotplates for the cooking of food will generally not be acceptable in a class 1 establishment
- Seating constituting a very minor element to the overall use. The limit will vary according to the size and layout of the premises
- An appropriately sized café in a larger unit, such as a department store, if it is a relatively minor proportion of the overall floorspace and operates primarily to service the shop's customers.

What to consider if planning permission is required

Protecting Shops

Policies Ret 9-11

Set out which locations a non-shop use is acceptable. These policies should be considered if a shop will be lost as part of the changes. In some areas of the City, the loss of a shop use will not be permitted. In other areas, certain criteria must be met.

Policy Hou 7

sets out when uses will not be permitted in predominantly residential or mixed use areas.

Policy Ret 11

Sets out when food and drink establishments will not be permitted.

Restaurants, cafés, snack bars and other Class 3 Uses

Proposals will be supported in principle in the following locations:

- Throughout the Central Area
- In designated shopping centres
- In existing clusters of commercial uses, provided it will not lead to an unacceptable increase in disturbance, on-street activity or anti-social behaviour to the detriment of the living conditions of nearby residents.

Proposals in predominantly housing areas will not normally be permitted.

Hot Food Takeaways

With the exception of proposals within areas of restriction (shown on the next page), proposals will be supported in principle in the following locations:

- Throughout the city centre area as shown in the adopted Edinburgh Local Development Plan (LDP)
- In designated shopping centres as shown in the LDP
- In existing clusters of commercial uses, provided it will not lead to an unacceptable increase in disturbance, on-street activity or anti-social behaviour to the detriment of the living conditions of nearby residents.

Proposals in the areas of restriction will only be accepted if there will be no adverse impact upon existing residential amenity caused by night-time activity. Where acceptable, this will normally be controlled through conditions restricting the hours of operation to 0800 to 2000.

Proposals in predominantly housing areas will not normally be permitted.

Where a restaurant's trade is primarily in-house dining but a minor element is take-away food then this still falls within the Class 3 use. Where take-away is a minor component of the business it will not require planning permission.

You can find out whether a site is located in the city centre area or a designated shopping centre through the online proposals map for the LDP, which can be accessed via the following link: <https://edinburghcouncil.maps.arcgis.com/apps/webappviewer/index.html?id=d1e3d872be424df5b89469de72bb03bd>

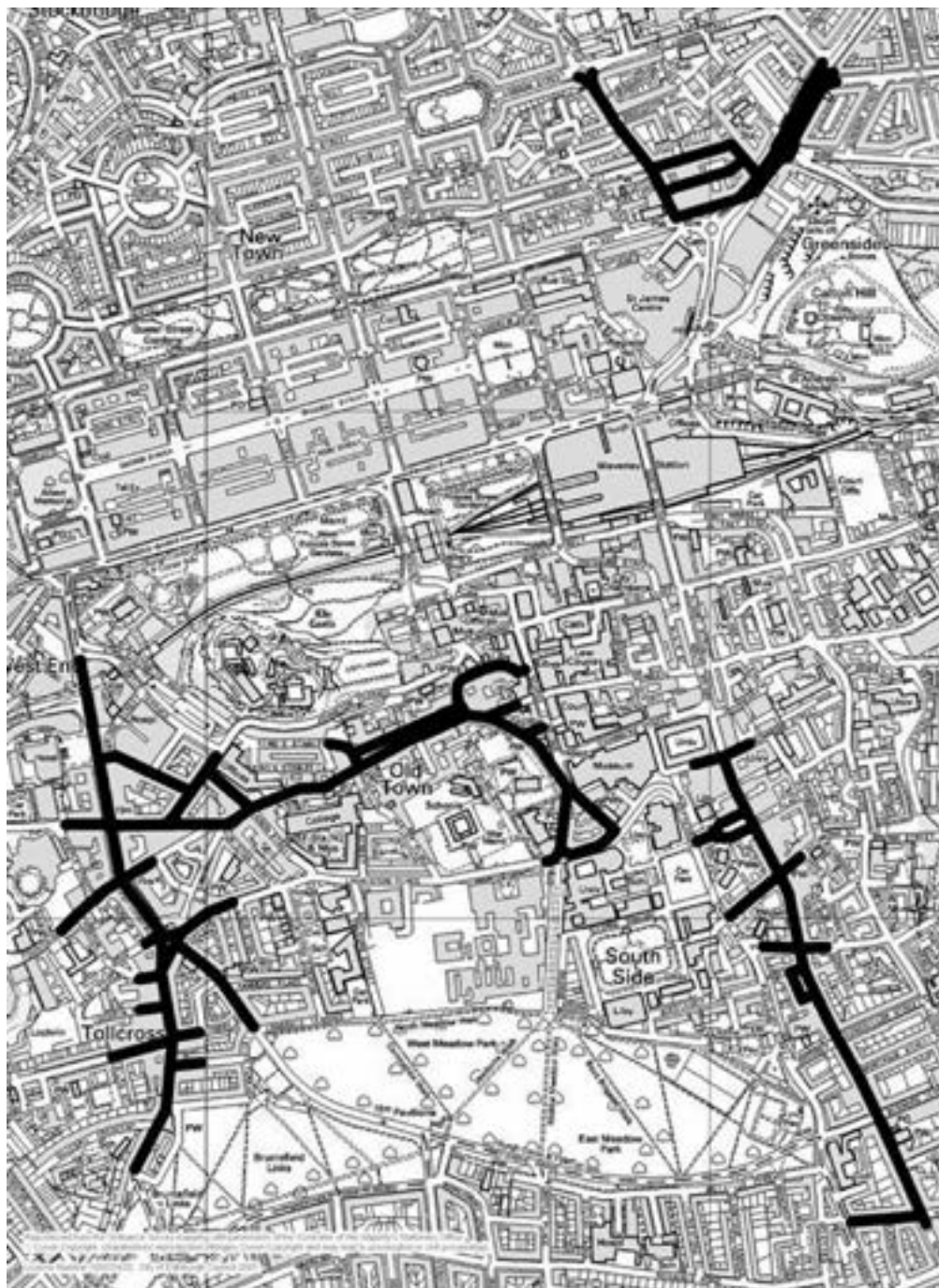
Public houses, entertainment venues and hotels outwith Class 7 (Hotels and Hostels)

In all locations, these uses should be located so as not to impinge on residential surroundings. Accordingly, such developments, with the exception of public houses designed as part of a new build development, will not be allowed under or in the midst of housing¹

There will be a presumption against new public houses and entertainment venues in the areas of restriction (shown on Page 10). Proposals for extensions to venues in the areas of restriction will only be accepted if there will be no adverse impact of the residential amenity caused by night time activity.

Proposals in predominantly housing areas and residential side streets will not normally be permitted.

[1] "Under or in the midst of housing" means a) where there is existing residential property above the application site or premises; or b) where there is existing residential property immediately adjoining two or more sides of the building or curtilage comprising the application site. "Residential property" means dwelling houses, flats or houses in multiple occupancy and includes any vacant units.



Ventilation

If the use is acceptable in principle, establishments with cooking on the premises must satisfy ventilation requirements to ensure that they do not impinge on the amenity of the residential area or other neighbourhoods.

An effective system for the extraction and dispersal of cooking odours must be provided. Details of the system, including the design, size, location and finish should be submitted with any planning application. A report from a ventilation engineer may also be required where it is proposed to use an internal route in an existing building for ventilation ducting.

The ventilation system should be capable of achieving 30 air changes an hour and the cooking effluvia ducted to a suitable exhaust point to ensure no cooking odours escape or are exhausted into neighbouring premises.

Conditions shall be applied to ensure the installation of an effective system before any change of use is implemented, and/or the restriction of the form and means of cooking where necessary.

On a listed building or in a conservation area, the use of an internal flue should be explored before considering external options. The flue would need planning permission and listed building consent in its own right.

Design

Any external duct should be painted to match the colour of the existing building to minimise its visual impact.

Location

Ventilation systems should be located internally. Where this is not practicable, systems located to the rear may be considered.

Noise

Conditions may be put in place to ensure that there is no increase in noise that will affect the amenity of the area.

The map identifies areas of restriction. These are areas of mixed but essentially residential character where there is a high concentration of hot food takeaways, public houses and entertainment venues.

Changing a Commercial Unit to Residential Use

When is permission required?

Planning permission is required to convert a business to a house or flat. Permission will also be required for physical alterations to any external

elevation. Listed building consent, where relevant, may also be required.

What to consider if planning permission is required

Protected shops

Policies Ret 9-11

set out when a non-shop use is acceptable. They should be considered if a shop will be lost as part of the changes.

In some areas of the city, the loss of a shop use will not be permitted. In other areas, certain criteria must be met. These policies should be considered for more information.

Amenity

Policy Hou 5

Sets out the criteria to be met by proposals to convert to residential use.

Applications for a change of use will need to prove that the quality and size of accommodation created is satisfactory.

Units with insufficient daylight will be unacceptable; proposals should fully meet the council's daylight requirements in the [Edinburgh Design Guidance](#). Basement apartments with substandard light will only be accepted where the remainder of the created unit represents a viable unit in its own right with regards to adequate daylight.

Dwelling sizes should meet the following minimum requirements and exceeding these standards is encouraged. Provision of cycle and waste storage is encouraged and may be required in some instances.

Number of Bedrooms	Minimum Gross Floor Area (sq m)
Studio	36
1 (2 persons)	52
2 (3 persons)	66
2 (4 persons)	81
3 (4 persons)	81
Larger Dwellings	91

Design

New designs should be of a high quality and respect their context

1. **Consider the architectural or historic merit of the shopfront and its context and identify an appropriate design from one of the following three basic approaches.**

Retain the shopfront



Henderson Street

Retaining the existing shopfront and adapting it for residential use is a simple method of conversion and ensures the property fits well within its context. Where the shopfront is of architectural or historic merit this will be the only appropriate design.

A design which retains the shop front could be used in residential areas or within a row of shops.

Simple contemporary design



Royal Park Terrace

Simple contemporary designs are often the most successful. The existing structural openings should be retained and any features of architectural or historic merit retained and restored. High quality materials should be used.

A simple contemporary design could be used in residential areas or within a row of shops.

Residential appearance

Conversions with a residential appearance are rarely successfully achieved. Attention should be paid to structural openings, materials and detailing to ensure the new residential property does not stand out from its context.

Windows which are a version of those on the upper floors in terms of proportions, location and detail are usually most appropriate. Doors should relate to the scale of the building and should not result in a cluttered appearance.

Paint work should be removed to expose the stone or toned to match the building above.

A design with a residential appearance may be appropriate in residential areas but not within a row of shops.



Consider the privacy of residents

To create privacy within the property, shutters or moveable screens behind the window could be considered as an alternative to frosted glass. Where considered acceptable, frosted glass should not occupy more than 50% of the height of the window. Retaining recessed doors also provides a degree of separation from the street. Metal gates could also be added.

Altering a Shopfront

There should always be a presumption to improve, where possible, a poor shopfront.

Understanding your shopfront

Policy Des 12

sets out the principles for altering a shopfront

1. Consider the period of the building and the style of the shopfront

Shopfronts come in many styles, reflecting the different periods of architecture in Edinburgh. Those of architectural merit or incorporating traditional features or proportions should be retained and restored.

2. Determine whether there are any original or important architectural features or proportions which need to be retained

The pilasters, fascia, cornice and stallriser form a frame around the window and should be retained. Recessed doorways, including tiling, should not be removed. Original proportions should be retained.



Pilasters



Cornice



Stallriser

3. Identify any inappropriate additions which should be removed

Large undivided areas of plate glass can be appropriate within a small shopfront, however over a larger area can appear like a gaping hole over which the upper storeys look unsupported.

Large deep fascia boards and other claddings should be removed and any original features reinstated.



Deep Fascia



Proportions



Good Example

At 37-41 Nicolson Street, Edinburgh, restoration work has been carried out to remove modern additions and unveil the original Victorian shopfront of 'McIntyre's Drapery Stores'. Architectural features, including the cornice, pilasters and glazing bars have been exposed. Views into the store have now been opened up and the shop is more noticeable in the street.



Context

Shopfronts should be designed for their context

1. Consider the relationship of the frontage to the rest of the street

The relationship of the frontage to the established street pattern should be considered, particularly in terms of fascia and stallriser height and general proportions. Alterations should preserve and strengthen the unity of the street.





Cladding

One shopfront across two separate buildings will not normally be acceptable as it disrupts the vertical rhythm of the facades above.



Good Examples



St Stephen Street



William Street



Grassmarket



2. Consider the relationship to features on the upper floors

Where units have a narrow frontage and vertical emphasis, they should retain their individual integrity, rather than attempting to achieve uniformity with adjoining properties.



New Design

New designs should be of high quality and respect their surroundings

1. Identify the features or proportions which will need to be retained or restored

The pilasters and frame should be retained, even if the rest of the frontage is not of sufficient quality to merit retention.

Poorly designed fascias and pilasters do not make up a well composed frame. Pilasters should not be flat to the frontage and fascias should not exceed one-fifth of the overall frontage height or be taken over common staircases. Stallrisers should be in proportion to the frontage.

Cornice which continues from the adjacent frontages will require to be restored. No part of the frontage should be located above this.

2. Consider the design and materials to be used

Where a new frontage is considered appropriate, there is no particular correct style. Modern designs will be considered acceptable providing they incorporate high quality materials, are well proportioned, and retain any features of architectural merit.

Reproduction frontages should be based on sound historical precedent in terms of archival evidence or surviving features.

Appropriate spacing and cornice should be used to create a visual break between the frontage and the

building above.

Good Examples



Barclay Place



Bread Street

In general, natural and traditional materials, such as timber, stone, bronze, brick and render should be used. These should be locally sourced from renewable or recycled materials, wherever possible. Frontages clad in incongruous materials will not be acceptable.

Paint and Colour

When is permission required?

Planning permission, and where relevant listed building consent, will be required to paint a building which is listed or within a conservation area, including a change of colour.

Planning Permission will not be required to paint an unlisted building out with conservation areas. However the painting and colour of a building should reflect its character and the area.

Good Example



Victoria Street

Listed Buildings and Conservation Areas

Paint

Unpainted stonework and other good quality materials should not be painted.

Colour Schemes

The creation of a strong identify for a business must come second to an appropriate balance with the context. Colour schemes should clarify the architectural form and not apply alien treatments and design. The most successful are simply schemes which employ only one or two colours.

Muted or dark colours are preferable.

Uniform Appearance

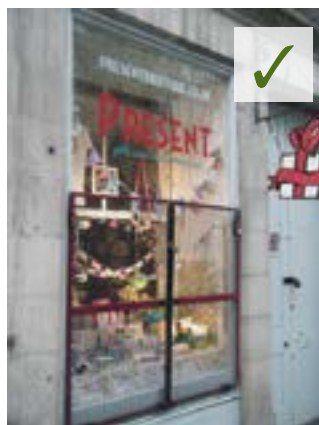
Coordinated paint schemes are encouraged and should be retained where present. In particular, common details, such as arches and pilasters, should have a uniform treatment. Similar lettering and signage should also be used.

The range of colours within a block should be limited.

Security

1. Determine whether a security device is necessary and consider alternative solutions

Security devices should not harm the appearance of the building or street. Toughened glass or mesh grilles could be used as an alternative to security shutters.



2. If a device is considered acceptable, consider its location in relation to the window

Where shutters are not common within the immediate area, they should be housed internally, running behind the window.

Elsewhere, shutters should be housed behind the fascia or a sub-fascia.

Shutters should not be housed within boxes which project from the front of the building.

3. Identify an appropriate shutter design

Solid roller shutters are unacceptable. They do not allow window shopping at night, the inability to view the inside of the shop can be a counter security measure and they tend to be a target for graffiti.

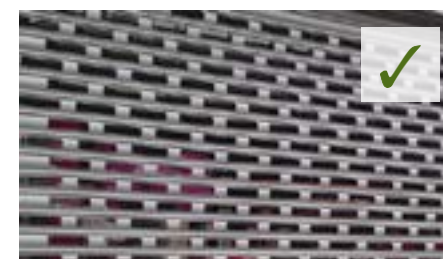


Roller shutters of the non-solid type may be acceptable in a perforated, lattice, brick bond or open weave pattern. Shutters made up of interlocking clear polycarbonate sheets running externally to the glass may also be acceptable.



Where there is evidence of early timber shutters, they should be restored to working order or replaced to match.

External roller shutters require planning permission.





Listed Buildings and Conservation Areas

Externally mounted shutters will not be considered acceptable.

The most appropriate security method is toughened glass. Internal open lattice shutters or removable mesh grilles may also be acceptable.

Metal gates are most appropriate on recessed doors.

Shutters should be painted an appropriate colour, sympathetic to the rest of the frontage and immediate area.

Blinds and Canopies

1. Consider whether a blind or canopy is appropriate on the building

Blinds and canopies should not harm the appearance of the building or street.

Traditional projecting roller blinds, of appropriate quality, form and materials, will be considered generally acceptable

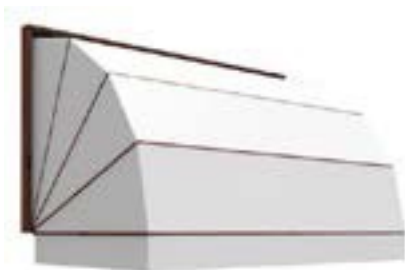
Dutch canopies will not be acceptable on traditional frontages where important architectural elements would be obscured.

Listed Buildings and Conservation Areas

Dutch canopies will not be acceptable on listed buildings or in conservation areas.

Blinds and canopies will not be considered acceptable on domestic fronted buildings.

Solar glass and film are acceptable alternative methods of protecting premises from the sun, providing they are clear and uncoloured.



Dutch canopy

2. If acceptable, consider the location of the blind or canopy

Blinds and canopies should fold back into internal box housings, recessed within the frontage. They must not be visually obtrusive or untidy when retracted.



Boxes housing blinds and canopies that project from the building frontage will not be acceptable.

Blinds and canopies will not be acceptable above the ground floor level.



3. Determine an appropriate design and materials

Blinds and canopies must be made of high quality fabric. Shiny or high gloss materials in particular will not be supported.

An advert, including a company logo or name, on a blind or canopy will need advertisement consent.



Other works affecting or relating to a shopfront or other business which may require planning and/or listed building consent:

- Installation of garlands, particularly if they are supported by a structure
- Free standing advertisement fixtures, awnings, flagpoles and banners

Where permission is required these will generally not be acceptable.

Automatic Teller Machines

1. Consider whether an ATM will be acceptable

ATMs should not impact upon the character of the building or area.

Free standing ATMs add to street clutter and will not be considered acceptable.

ATMs may be considered acceptable when integrated into a frontage, providing no features of architectural or historic interest will be affected and the materials and design are appropriate.

2. If acceptable, consider the location, design and access

Consideration should be given to pedestrian and road safety. Terminals should be sited to avoid pedestrian congestion at street corners and narrow pavements. The assessment of the impact on road safety will include any potential increase in the number of vehicles stopping, visibility and sightlines.

The use of steps for access to ATMs should be avoided and the units should be suitable for wheelchair access.

Where ATMs are removed, the frontage should be reinstated to match the original.

Listed Buildings and Conservation Areas

Consideration should first be given to locating the ATM internally. For guidance on internal alterations, consider the Listed Buildings and Conservation Area guidance.

Externally, ATMs should be located in a concealed position on the façade, within an inner vestibule or on a side elevation.

ATMs should not be fitted to finely detailed façades or shopfronts of historic or architectural merit. They will not be acceptable where stone frontages, architectural features or symmetry will be disturbed. New slappings (knocking a hole through a wall to form an opening for a door, window etc) will be discouraged.

Only one ATM will be allowed on the exterior of any building.

Where acceptable, the ATM should not be surrounded by coloured panels or other devices and signage should not be erected. The ATM and any steps or railings, where necessary, should be formed in high quality materials and be appropriate to the area. Surrounding space should match the façade in material and design.

Permissions Required

ATMs which materially affect the external appearance of a building require planning permission. Listed building consent may also be required for an ATM on a listed building. In addition, advertisement consent may be required for any additional signage.

Air Conditioning and Refrigeration

Location

Air conditioning and refrigeration units should not be located on the front elevation or any other conspicuous elevations of buildings, including roofs and the flat roofs of projecting frontages.

It will normally be acceptable to fix units to the rear wall. These should be located as low as possible.

Design

Units should be limited in number, as small as practicably possible and painted to tone with the surrounding stonework or background.

Listed Buildings and Conservation Areas

The preferred location for units on listed buildings and within conservation areas are:

- standing within garden or courtyard areas (subject to appropriate screening and discreet ducting)
- Within rear basement areas
- Inconspicuous locations on the roof (within roof valleys or adjacent to existing plant). However, in the New Town Conservation Area and World Heritage Site, aerial views will also be considered.
- Internally behind louvers on inconspicuous elevations. This should not result in the loss of original windows.

Where it is not practicably possible to locate units in any of the above locations, it may be acceptable to fix units to the wall of an inconspicuous elevation, as low down as possible.

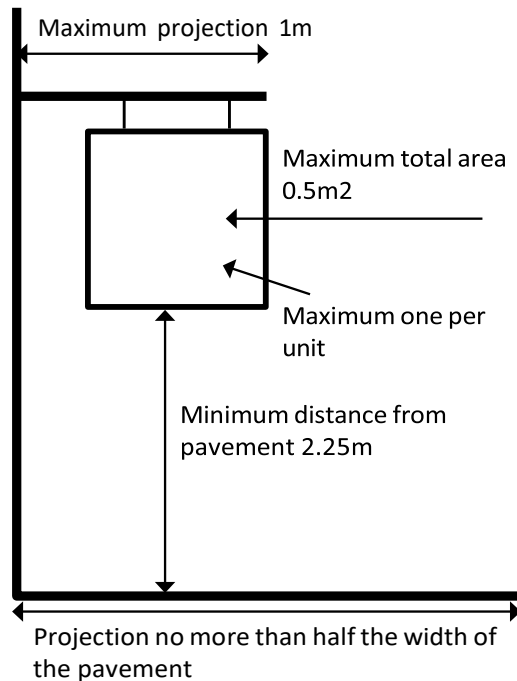
Units should be limited in number, as small as practicably possible and painted to tone with the surrounding stonework or background.

Ducting must not detract from the character of the building.

Signage and Advertisements

1. Consider the scale, location and materials of the advertisement and any lettering

High level signage is not normally considered acceptable.



NB. Dimensions may be reduced for smaller frontages

Projecting and Hanging Signs

Traditional timber designs are most appropriate on traditional frontages.



Fascia

Box fascia signs applied to existing fascias are not considered acceptable.

Individual lettering should not exceed more than two thirds the depth of the fascia, up to a maximum of 450mm.

Princes Street

Projecting signs and banners will not be supported. Illumination must be white and static.

Listed Buildings, Conservation Areas and Royal Mile

Signage obscuring architectural details is not acceptable.

Signage should be timber, etched glass or stainless steel; synthetic materials are not appropriate.

Signage should harmonise with the colour of the shopfront.

Applied fascia boards/panels will not normally be acceptable. Lettering shall be applied directly onto the original fascia. If there is an existing applied fascia board/panel in place, this should a) be removed and the original fascia restored, or b) an appropriate new fascia applied but only where there is no original fascia.

Letters must be individual and hand painted.

On buildings of domestic character, lettering or projecting signs are not acceptable. Guidance on alternative signage is given on the next page.

In the Royal Mile area of Special Control, there are additional controls on advertisements.

2. Consider an appropriate method of illumination

External illumination will only be acceptable if unobtrusive.

Individual letters should be internally or halo lit. Discreet spotlights painted out to match the backing material or fibre optic lighting may also be acceptable. Illumination must be static and no electrical wiring should be visible from outside of the premises. White illumination is preferable.

Projecting signs should only be illuminated by concealed trough lights.

LED strip lighting to illuminate signage may be acceptable where it can be positioned discreetly on the shop front.

3. Consider alternative advertisements

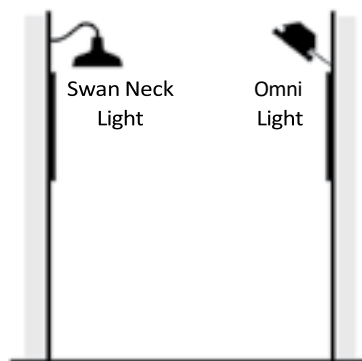
Internal Advertisements

Advertisements behind the glass should be kept to a minimum to allow maximum visibility into the premises.



Listed Buildings and Conservation Areas

Swan neck lights, omni-lights on long arms or trough lights along the fascia will not normally be acceptable. Letters should be halo or internally lit.



Directional Signs/ Temporary On-Street Advertising / A boards

Advance directional signs outwith the curtilage of the premises to which they relate (including 'A boards' and other temporary on-street advertising) will not be permitted.

Guest Houses

Houses in residential use (Class 9) but with guest house operations should not display signs, except for an official tourism plaque or a window sticker.

For properties operating solely as a guest house (Class 7), any pole signs located in front gardens should not exceed 0.5sq metres in area.

Listed Buildings and Conservation Areas

Basement properties

Basement properties may be identified by a name plate or modest sign on the railings, or where they don't exist, discreet and well designed pole mounted signs may be acceptable.



Buildings of domestic character

On buildings of domestic character, identification should consist of a brass or bronze nameplate, smaller than one stone. Where the building is in hotel use, consideration will be given to painted lettering on the fanlight or a modest sign on the railings.

Cycle Storage

Commercial buildings which operate under class 4, 5 or 6 of the use classes order* have permitted development rights to erect a structure for the purpose of the temporary storage of pedal cycles, provided that the following criteria are met:

- The structure will not be sited within the curtilage of a listed building
- If the site is located in a conservation area, the structure will be located within the front curtilage of the commercial building
- The structure will not obstruct the clear line of sight of a road or footpath by the driver of a vehicle entering or leaving the commercial building (a driver's view of pedestrians and drivers on the footpath and road next to the building should not be worsened as a result of the structure being erected)
- The structure would create an obstruction to light to another building

To get written confirmation that you do not require planning permission you can apply for a Certificate of Lawfulness. You can do this online and you will get a decision from us on whether permission is required. This certificate can be used to confirm you do not need permission. It can also be useful should you decide to sell or rent the premises, or if you are asked if you have permission for ancillary buildings.

Note: The planning authority will not provide informal opinions as to whether a building will obstruct either the clear sight of a driver, or light to another building. If you wish to seek clarification as to whether your proposal complies with these requirements in order to be considered permitted development, a certificate of lawfulness must be applied for.

* Use classes order

Class 4 - Business use

- As an office, other than a use within class 2 (financial, professional and other services)
- For research and development of products or processes
- For any industrial process

Being a use which can be carried on in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Class 5 - General Industrial

Use for the carrying on of an industrial process other than one falling within class 4 (business)

Class 6 - Storage or distribution

Use for storage or as a distribution centre



HAPPY TO TRANSLATE

ترجمہ کیلئے ہمیں خوش ہے | আনন্দের সঙ্গে অনুবাদ করব

بِسْمِ اللَّهِ تَرْجِمْنَا | MOŻEMY PRZETŁUMACZYĆ | 很乐意翻译

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