

Development Management Sub-Committee Report

Wednesday 13 March 2024

**Application for Planning Permission
15 & 15A Eden Lane, Edinburgh, EH10 4SD**

Proposal: Use of the annexe section of the existing residential dwelling for short term let rental (in retrospect), (amended).

**Item – Committee Decision
Application Number – 22/04057/FUL
Ward – B10 - Morningside**

Reasons for Referral to Committee

Given the level of public interest in relation to the issue of short term lets, it is considered appropriate that this application be determined by Committee.

Recommendation

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

Summary

The proposal is acceptable with regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve or enhance the character or appearance of the Conservation Area.

The change of use of this annex to a short term let (STL) will not have an unacceptable impact on neighbouring amenity, nor will it result in the loss of residential accommodation. The application complies with the development plan and there are no material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The application property is a small annex within the curtilage of and adjoining the main residential house at 15 Eden Lane. The annex is approximately 20 square metres with its own access and is comprised of a single bedroom, bathroom, kitchenette and living area.

There is an internal door between the main house and annex, however this would remain locked at all times whilst in use as a STL. The annex operates physically and functionally independent of the main dwelling when in STL use, creating a new planning unit.

The property is accessed of Eden Lane, which is a narrow, cobbled lane. The immediate area is mixed use in nature with other residential properties, a bowling and tennis club to the north and two schools to the south of the site. Despite the nearby non-residential uses, the character of the area is quiet with low levels of vehicular and pedestrian traffic.

The property is situated in the Grange conservation area.

Description of The Proposal

The proposal is for the change of use of the annex section of the existing residential dwelling to STL use.

Supporting Statement

- Supplementary Information

Relevant Site History

No relevant site history.

Other Relevant Site History

No further relevant site history.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

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

Publicity and Public Engagement

Date of Neighbour Notification: 27 September 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 7 October 2022

Site Notices Date(s): 4 October 2022

Number of Contributors: 0

Section B - Assessment

Determining Issues

Due to the proposed development falling within a conservation area, this report will first consider the proposals in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?

- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

The application has been submitted in retrospect. The applicant indicates on the application form that the operation of the property as a STL commenced in 2015. This is before the 5 September 2022, which is when the Edinburgh short-term let control designation came into effect. As the designation does not have a retrospective effect it is necessary to consider whether the use of the property as a commercial short stay let is a material change of use.

The effect of granting planning permission would be to change the use from residential to STL. The proposal results in the creation of a new planning unit which constitutes a material change in use of the property under Section 26 of the Town and Country Planning (Scotland) Act 1997.

a) The proposals harm the character or appearance of the conservation area.

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The Grange Conservation Area Character appraisal emphasises: *"the high quality stone built architecture of restricted height enclosed by stone boundary walls, the uniformity resulting from the use of local grey sandstone for buildings and boundary walls and Scots slate for roofs, the formal and picturesque detached and semi-detached dwellings of generous scale and fine proportions, the low density grain of the area, and the spacious and uncluttered streetscape."*

There are no external alterations. The change of use from a residential premises to a STL will not have any material impact on the character of the conservation area. The change of use would preserve the appearance of the conservation area.

Conclusion in relation to the conservation area

The proposals are acceptable with regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) The proposals comply with the development plan.

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

The relevant NPF4 and LDP 2016 policies to be considered are:

- NPF4 Sustainable Places Tackling the climate and nature crises Policy 1.
- NPF4 Productive Places Tourism Policy 30.
- Local Development Plan Housing Policy, Hou 7.
- Local Development Plan Transport Policies, Tra 2 and Tra 3

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering historic assets.

The non-statutory Guidance for Business (2024) is a material consideration that is relevant when considering LDP Policy Hou 7 and NPF4 policy 30.

The Edinburgh Design Guidance is a material consideration when considering LDP Policies Tra 2 and Tra 3.

Conservation Area

The impact on the character and appearance of the conservation area has been considered above in section a). It was concluded that the change of use would not have any material impact on the character of the conservation area and would preserve the appearance of the conservation area.

The proposal complies with NPF4 Policy 7.

Proposed Use

With regards to NPF 4 Policy 1, the proposed change of use does not involve operational development resulting in physical changes. The proposals will have a negligible impact on the global climate and nature crisis.

NPF 4 Policy 30 seeks to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland. Criterion 30 (e) specifically relate to STL proposals.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) seeks to protect residential amenity.

Amenity

The proposal will result in the small annex which adjoins the main residential property being used for STL accommodation. This would introduce an increased frequency of movement to the application site as visitors would be able to arrive and stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents. However, in this instance, given the location, small size of the annex and the close proximity of the main residential property, the change of use will not result in the deterioration of the living conditions of nearby residents or impact on the character of the area. Therefore, the proposal complies with policy Hou 7 and NPF 4 policy 30(e)(i).

Loss of residential accommodation

NPF 4 policy 30 (e) part (ii) requires that where there is a loss of residential property this will only be supported where the economic benefits of the proposals are outweighed by demonstrable local economic benefits.

The proposal would not result in the loss of residential accommodation as the residential use of the principal dwelling will be retained. As such, NPF 4 30(e) part (ii) does not apply.

Parking Standards

Off street parking is available at the site.

The proposal complies with LDP Policies Tra 2 and Tra 3.

Conclusion in relation to the Development Plan

The change of use of this property to an STL will not have an unacceptable impact on neighbouring amenity, nor a loss of residential accommodation. The application is acceptable with regard to transport matters. The application complies with the development plan.

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

The following material planning considerations have been identified:

Emerging policy context

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

Equalities and human rights

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

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

Public representations

The application received no public representations.

Conclusion in relation to other material considerations

The proposals do not raise any issues in relation to other material considerations identified.

Overall conclusion

The proposal is acceptable with regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve or enhance the character or appearance of the Conservation Area.

The change of use of this property to an STL will not have an unacceptable impact on neighbouring amenity, nor a loss of residential accommodation. The application complies with the Development Plan and there are no material considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions

1. The Planning Permission for short term let use relates to the annex only as outlined in red and detailed in drawing 02 - Site Plan.

Reasons

1. In order to safeguard the amenity of neighbouring residents.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 15 September 2022

Drawing Numbers/Scheme

01 B, 02, 03

Scheme 1

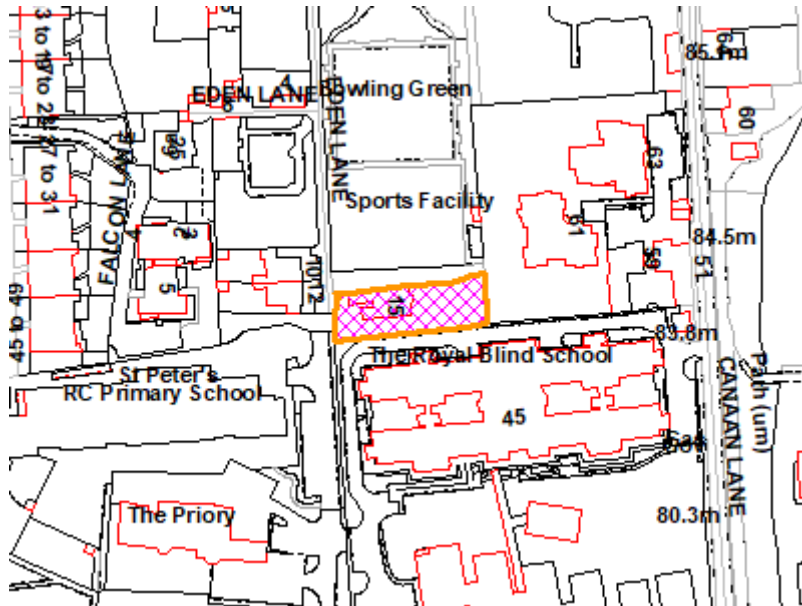
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Summary of Consultation Responses

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

Location Plan



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