

# Development Management Sub-Committee Report

**Wednesday 17 April 2024**

**Application for Planning Permission STL  
55 Broughton Road, Edinburgh, EH7 4EX**

**Proposal: Change of use from office to short term let visitor accommodation.**

**Item – Committee Decision  
Application Number – 24/00456/FULSTL  
Ward – B12 - Leith Walk**

## **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 change of use of this property to a short term let (STL) will not result in an unacceptable impact to neighbouring amenity or the loss of residential accommodation. The proposal does not raise any concerns with regard to transport matters. The proposal complies with the Development Plan. There are no material considerations that outweigh this conclusion. The proposal is acceptable.

## **SECTION A – Application Background**

### **Site Description**

The application property is a 19.5sqm ground floor office located on the north western side of Broughton Road at the corner with Beaverbank Road. The property has its own main door access to the street. This section of Broughton Road is a busy thoroughfare featuring high density residential tenements and a moderate degree of activity during the day and night.

The properties above and adjoining the application property are in residential use. The wider area contains commercial uses as well as residential properties, including within approximately 100m of the site a public house, a supermarket, a café and a church.

## **Description Of The Proposal**

The application is for the change of use of the property from office to STL (sui generis). No external physical changes are proposed.

## **Supplementary Information**

Supporting Planning Statement

## **Relevant Site History**

06/01530/FUL

55 Broughton Road

Edinburgh

EH7 4EX

Create a 2 bedroom flat on ground and basement level and single office on ground level from an existing shop

Granted

6 June 2006

## **Other Relevant Site History**

No other relevant site history was identified.

## **Pre-Application process**

There is no pre-application process history.

## **Consultation Engagement**

No consultations undertaken.

## **Publicity and Public Engagement**

**Date of Neighbour Notification:** 2 February 2024

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** Not Applicable

**Site Notices Date(s):** Not Applicable

**Number of Contributors:** 23

## **Section B - Assessment**

### **Determining Issues**

This report will 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:

### **a) The proposals comply with the development plan?**

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

The relevant NPF4 and LDP 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 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.

### Proposed use

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

NPF4 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 change of use of the property is not considered to pose an unacceptable impact to neighbouring amenity, or to be of detriment to the living conditions of nearby residents.

Whilst there are residential properties above and adjacent to the application site, when considering the small size of the property, Broughton Road's character as a busy thoroughfare, the level of activity and patterns of movement typical of this section of Broughton Road, and the high likelihood that the additional servicing of the property necessitated by the change of use would be conducted during the daytime, the change of use from office to STL will not result in an unreasonable impact to nearby residences.

The proposal complies with NPF4 policy 30(e) part (i) and LDP policy Hou 7.

### *Loss of residential accommodation*

The proposed change of use will not result in a loss of residential accommodation. As such, the proposal complies with NPF 4 30(e) part (ii).

### Transport

No parking is proposed. This complies with the requirements of the Edinburgh Design Guidance and is therefore considered acceptable.

The proposals comply 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 result in an unacceptable impact to neighbouring amenity or the loss of residential accommodation. The proposal does not raise any concerns with regard to transport matters. The proposal complies with the Development Plan policy NPF4 policy 30(e) and LDP policy Hou 7.

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

The following material planning considerations have been identified:

#### Emerging policy context

On 5 April 2024 the Planning and Environmental Appeals Division published its report into the examination of the Proposed City Plan 2030 and supporting documents in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. The Council is currently considering the recommendations and modifications required to the Proposed City Plan 2030. It is the intention that the modifications will be considered by the Council before the end of June 2024. At this time in the context of the consideration of this particular application limited weight can be given to the relevant policies of City Plan 2030 until the proposed modifications have been fully considered.

## 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

23 comments in support of the application were received. A summary of the issues raised is provided below:

*material considerations* - Assessed in Section A.

- Appropriate use for this location.
- The characteristics of the building and wider area.
- Will not result in a loss of residential accommodation.
- No unreasonable impact to neighbouring amenity.
- Complies with the Development Plan.
- Complies with the Guidance for Businesses.
- Positive impact to the local economy.
- Proposal is well located to be accessed by active and public transport modes.
- Positive impact to the local community. No significant impact to the community is identified.

*non-material considerations*

- Will result in income for the applicant.
- Quality of the proposed internal fit out.
- Size of the existing commercial unit.

## **Conclusion in relation to identified material considerations**

Identified material considerations have been assessed above and do not raise issues which outweigh the conclusion in relation to the development plan.

## **Overall conclusion**

The change of use of this property to an STL will not result in an unacceptable impact to neighbouring amenity or the loss of residential accommodation. The proposal does not raise any concerns with regard to transport matters. The proposal complies with the Development Plan. There are no material considerations that outweigh this conclusion. The proposal is acceptable.

## Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

### Conditions

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

### Reasons

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

### Informatives

It should be noted that:

1. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

### Background Reading/External References

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

**Further Information - [Local Development Plan](#)**

**Date Registered: 31 January 2024**

### Drawing Numbers/Scheme

01, 02

Scheme 1

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

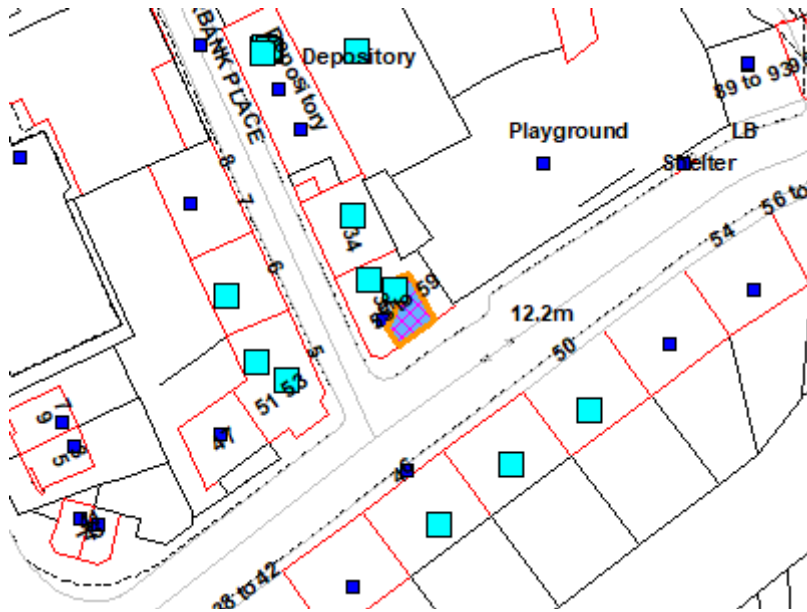
Contact: James Armstrong, Planning Officer  
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## Appendix 1

### Summary of Consultation Responses

No consultations undertaken.

### Location Plan



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