

# Development Management Sub-Committee Report

**Wednesday 17 April 2024**

**Application for Planning Permission STL  
Drylaw House, 32 Groathill Road North, Edinburgh**

**Proposal: Proposed erection of 3 Nos. self-contained holiday lodges with provision of external shared deck area, associated landscaping, access arrangements and car parking.**

**Item – Committee Decision  
Application Number – 23/03426/FULSTL  
Ward – B05 - Inverleith**

## **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 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will not harm the Listed Building or its setting.

The proposal is acceptable with regard to impact on residential amenity and tourism-related development in relation to NPF 4 policy 30(b). Whilst the proposal does not wholly comply with LDP Policy 18 in relation to open space, it is considered acceptable in this instance given it is small section of a larger area of private open space and a landscaping plan has been proposed.

Overall, the proposal complies with the provisions of the Development Plan and there are no material considerations which outweigh this proposal.

## **SECTION A – Application Background**

### **Site Description**

The application relates to an area of land within the grounds of Drylaw House. The application site is an area of land which measures approximately 4,724 square metres and sits to the north-east of the House. Access to the site is via a private driveway from Groathill Road North.

The proposed development is within the setting of the following listed buildings and structures:

### Drylaw House

The principal building Drylaw House is a substantial two storey villa, with attic and basement. Drylaw House, is a category A listed building (LB28060) designated 27/10/1965.

### Stables Courtyard

The application site is in close proximity to Stables Courtyard, a series of buildings built around a courtyard, to the north of Drylaw House. The buildings surrounding the courtyard are mostly ruinous - category B listed, 29/11/1990 (LB28064).

There are six trees within the vicinity of the development site which are protected by a Tree Preservation Order (TPO). The grounds of the House, including the site, are designated as open space in the Edinburgh Local Development Plan (2016). The Open Space Audit (2016) categorises the designation as private large grounds.

## **Description of the Proposal**

The proposal is for the erection of three prefabricated, one-bedroom self-contained holiday lodges. Each lodge is 28.8 m<sup>2</sup> and three metres in height. They are to be finished in timber cladding and will each have an external deck that is 26m<sup>2</sup> including a hot tub.

Access to the site is via a private driveway from Groathill Road North, with parking located to the south of the site. Three parking spaces have been proposed on existing hardstanding, including an electric vehicle charging station.

Proposed landscaping includes planting of new native trees, hedges and shrubs and communal decking located in the listed setting of the Stable Courtyard.

## **Supporting Information**

- Planning Statement
- Design and Access Statement
- Surface Water Management Plan
- Surface Water Drainage Strategy

## **Relevant Site History**

21/02664/FUL

Drylaw House

32 Groathill Road North

Edinburgh

EH4 2SL

Change of use of Drylaw House to short-term let visitor accommodation (Sui Generis).

Granted

10 September 2021

21/03191/FUL

Drylaw House

32 Groathill Road North

Edinburgh

EH4 2SL

Section 42 application for Drylaw House. Variation of Condition 1 of application 20/04410/FUL to allow use of the building by all class 7 uses.

Granted

10 September 2021

### **Other Relevant Site History**

No further relevant site history.

### **Pre-Application process**

Pre-application discussions took place on this application.

### **Consultation Engagement**

Environmental Protection

Archaeology

Flood Planning

Transport Planning

Historic Environment Scotland

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

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 9 August 2023

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

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

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

**Number of Contributors:** 9

## **Section B - Assessment**

### **Determining Issues**

Due to the proposals relating to a listed building(s), this report will first consider the proposals in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development harming the listed building or its setting?

- 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:

### **a) The proposals harm the listed building and its setting.**

The following HES guidance is relevant in the determination of this application:

- Managing Change in The Historic Environment: Setting

The application site forms part of the setting of the original Drylaw House and the Stable Courtyard ruins. The main area of development will be located to the north of the approach to the main house set between the northern boundary and an existing track; this area of land is set away from Drylaw House by approximately 45m.

The scale of development must be considered in relation to the existing historical assets and the impact it may have with the principal building and listed features on-site.

The scale, design and positioning of the lodges and associated landscaping works will ensure these new buildings sit comfortably and discretely within the site. The existing mature landscaping will help to screen these new interventions.

The proposals include an area of communal decking within the ruinous Stable Courtyard. This new timber decking will be located in a semi enclosed space, will be undertaken in a manner sympathetic to this remaining historic element and will be set back from the existing structure, allowing it to remain clearly visible.

Overall, the development will not harm the setting of the Drylaw House and other listed elements. The proposed lodges and area of decking will be sensitively located within the surrounding landscape and will respect the historical interest and setting of the existing listed buildings.

### **Conclusion in relation to the listed building**

The proposal is acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and relevant HES guidance.

#### **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 policies to be considered are:

- NPF4 Sustainable Places Policy 1, 2, and 3.
- NPF4 Productive Places Tourism Policy 30.
- NPF4 Historic Assets and Places Policy 7.
- NPF4 Policy 14
- NPF4 Policy 21 and 22
- Local Development Plan Design Policies 1 and 4.
- 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 policy NPF 4 Policy 7.

#### Listed Buildings

Historic Environment Scotland were consulted and had no objection to the proposal. This has been assessed above. There will be no significant impact on historic assets or places. The proposal therefore complies with NPF 4 Policy 7.

#### Proposed Use

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. NPF 4 Policy 30 (b) for new tourism related development is relevant to this application in addition to LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) which seeks to protect residential amenity.

The site is located within a predominantly residential area. However, in this instance, there is an area of open space to the north of the site which acts as a buffer between the boundaries of the residential properties on Wester Drylaw Place and the site boundary. The nearest residential property to a lodge is approximately 25 metres, with a boundary treatment of a tall fence and newly planted treeline, with existing mature trees. The lodges are orientated away from neighbouring residential properties.

The proposed lodges are small, accommodating two adults per lodge. Whilst guests will have access to a communal wooden deck, this is located approximately 40 metres from the closest neighbouring residential property.

Environmental Protection were consulted on the application with no objection. A condition was recommended by Environment Protection that ensures the boundary fence remains in situ for the duration of the use of the premises for STLs. With the recommended condition the proposal would not have a materially detrimental effect on neighbouring residential amenity.

The proposal is compatible with the surrounding area in terms of the nature, scale and will not have a detrimental impact on neighbouring amenity.

The proposal complies with LDP policy Hou 7 and NPF Policy 30(b) relevant criteria with regards to amenity and character of the area.

The proposal will result in three new holiday lodges within the grounds of existing visitor accommodation. The running of the accommodation and visitor spend will contribute to the local economy.

### Design

NPF4 Policy 14 (Design, quality, and place), supports development proposals that are designed to improve the quality of an area and are consistent with the six qualities of successful places.

LDP policy Des 1 (Design Quality and Context), Supports development which contribute towards a sense of place and design should draw from positive aspects of the surrounding area.

LDP policy Des 4 (Design - Setting) supports development that has a positive impact on its setting, including the wider landscape having regard to height and form; scale and proportions, including space between buildings; position of buildings and other features on site; materials and detailing.

The lodges are of a modest scale, designed in sympathetic materials and located in positions which integrate with their surroundings. Existing young and mature trees will help contribute to the natural landscape to be retained.

The proposal will not have a damaging impact on the character and appearance of the area. It complies with LDP Design policies and NPF policy 14.

## Open Space

The proposed site is designated as Drylaw House (PRI 42) Open Space totalling 2.28 hectares. Within Edinburgh Council's 2016 Open Space Audit, PRI 42 is listed as being in private ownership and not publicly accessible.

Policy ENV 18 of the LDP seeks to protect open spaces within the city including those within private ownership. The policy requires to ensure that there is no impact on the quality or character of the local environment, it is part of a larger area and there is overprovision within the area and the loss would not be detrimental to the wider network.

The proposals are set within the context of a well-established mature garden that provide the context and setting for Drylaw House. Historically there were a range of ancillary buildings within the curtilage of the property. The introduction of the 3 pods would be a modest addition within the wider landscape setting. There would be no overall reduction in the character or quality of the open space. The proposals would also introduce wildflower meadow planting into the area which would increase the biodiversity value of the area.

The proposals do not comply with parts d) or e) of Policy ENV18 as there is no local benefit to the loss of the small area of open space. When the proposals are considered on the context of the existing house, the private nature of the area of open space and there is no overall detriment to the open space network and exception is considered acceptable in this case.

On balance, the non-compliance with LDP policy 18 is considered acceptable in this instance.

## Sustainability

The Design and Access Statement details the proposal will include a variety of methods to improve sustainability throughout the development and life cycle of the lodges. This includes energy and water reduction strategies, as well a waste management and recycling strategy.

The lodges utilise low carbon timber materials, high quality insulation and will be constructed off-site to minimise carbon emissions. These measures will help lower carbon emissions throughout the life cycle of the development.

The site is located within the gardens of the principal property of Drylaw House. The proposed landscape strategy includes planting of native species and trees which will enhance biodiversity on the site.

The proposal complies with the intent NPF 4 policy 1, 2, 3 and 30(b) in regard to climate and the nature crisis.

## *Flooding*

A surface water management plan was provided as part of the application along with an A1 Certificate - Self Certification. The site lies out with the potential flooding zones. Sustainable Urban Drainage Systems (SUDS) have been proposed on site to help attenuate rainwater discharge. Footpaths proposed are to be permeable, which limits the amount of impermeable surface on site.

LDP Policy Env 21 (Flood Protection) states that planning permission will not be granted for development that would increase flood risk or be at risk of flooding itself. The intent of NPF 4 policy 22 (Flood risk and water management) is to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.

As identified on SEPA flood maps, the site for the development does not have any specific flood risk. The proposals will be connected to the existing drainage system as detailed on the submitted plans.

Flood Planning were consulted with no objection, however, stated that the applicant should confirm that Scottish Water accept the surface water discharge to the combined network.

Given the small-scale nature of the proposals, it is not anticipated there will be any significant impact from the development in terms of flood risk. The proposal complies with LDP policy Env 21 or NPF4 policy 22.

## Archaeology

The site is located in area of archaeological importance due to its relationship with Old Drylaw House which dates back to the medieval period. As the development has the potential to impact on archaeological remains, the City's Archaeologist recommends a condition be attached to the grant of planning permission requiring a programme of archaeological work is undertaken prior to development taking place on site.

With the attached condition the proposal complies with NPF4 policy 7.

## Transport

The proposed site is accessible via public transport by bus. Three additional parking spaces, with one EV charging station. They are located on an existing hardstanding location beside existing parking outside of the principal property of Drylaw House.

Cycles could be parked inside the property.

Edinburgh Council Transport officers were consulted and made no objection to the application.

The proposals comply with NPF Policy 30(b), LDP Policies Tra 2 and Tra 3.



## Conclusion in relation to the Development Plan

The proposal is acceptable with regard to impact on residential amenity and the character of the area and does not result in loss of residential accommodation. It complies with LDP policy Hou 7 and NPF 4 policy 30(e). Despite the proposal not complying with parts d) or e) of Policy ENV18, the overall detriment to the open space network and exception is considered acceptable in this case.

### c) 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

The application received nine public contributions, six objections and three supporting. A summary of the representations is provided below:

##### *material considerations in objection*

- Change of use would have a negative effect of the neighbouring residential amenity.
- Detrimental effect on biodiversity.

##### *non-material considerations in objection*

- An objection to noise that arises from garden maintenance of the existing site.
- Concern that the development would have an effect on views.

##### *material considerations in support*

- Quality design.

- The short term let development is well positioned to not effect nearby residential amenity.

#### *non-material considerations in support*

- The proposal will help the local economy.

#### **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 proposal is acceptable with regard to Sections 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will not harm the Listed Building or its setting.

The proposal is acceptable with regard to impact on residential amenity and tourism-related development in relation to NPF 4 policy 30(b). Whilst the proposal does not wholly comply with LDP Policy 18 in relation to open space, it is considered acceptable in this instance given it is small section of a larger area of private open space and a landscaping plan has been proposed.

Overall, the proposal complies with the provisions of the Development Plan and there are no material considerations which outweigh this proposal.

### **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.
2. The 1.8m closed boarded boundary fence as shown on drawing 230342-01-03 and dated 18/07/23 should remain in situ for the duration of the proposed development.
3. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

#### **Reasons**

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

2. To protect the existing residential amenity of the neighbouring residential properties.
3. In order to safeguard the interests of archaeological heritage.

### **Informatives**

1. No development shall take place on the site until the applicant has provided confirmation that Scottish Water accept the surface water discharge to the combined network.

### **Background Reading/External References**

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

**Further Information - Local Development Plan**

**Date Registered: 1 August 2023**

### **Drawing Numbers/Scheme**

01 - 03, 04A, 05 - 07

Scheme 1

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

Contact: Benny Buckle, Assistant Planning Officer  
E-mail: [benny.buckle@edinburgh.gov.uk](mailto:benny.buckle@edinburgh.gov.uk)

## Appendix 1

### Summary of Consultation Responses

NAME: Environmental Protection

COMMENT: No objections to the proposal. Recommend two conditions are attached to ensure the delivery of EV charging standards and the retention of the existing boarded boundary fence.

DATE: 29 January 2024

NAME: Archaeology

COMMENT: City of Edinburgh Archaeology officer recommended that a condition is attached to ensure that a programme of archaeological mitigation is undertaken.

DATE: 18 August 2023

NAME: Flood Planning

COMMENT: No objection.

DATE: 14 September 2023

NAME: Transport Planning

COMMENT: No objection made.

DATE: 22 August 2023

NAME: Historic Environment Scotland

COMMENT: No comment.

DATE: 29 August 2023

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

### Location Plan



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