

Development Management Sub Committee

Wednesday 20 November 2019

**Application for Planning Permission 19/03032/FUL
At 59 Duddingston Park South, Edinburgh, EH15 3LE
Change of use of existing detached house to HMO.**

Item number

Report number

Wards

B17 - Portobello/Craigmillar

Summary

The proposals comply with the Edinburgh Local Development Plan and non-statutory guidelines. The development would have no detrimental impact on residential amenity or road safety and parking. There are no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LHOU07, NSBUS,

Report

Application for Planning Permission 19/03032/FUL At 59 Duddingston Park South, Edinburgh, EH15 3LE Change of use of existing detached house to HMO.

Recommendations

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

Background

2.1 Site description

The site is a two storey, detached dwellinghouse located on the west side of Duddingston Park South. The site is bounded by residential properties to the north, south and east. Across the road to the west is a coffee drive- through (sui generis use), a car park and a bowling and social club.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description of the Proposal

Planning permission is sought for the change of use of a dwellinghouse to a house in multiple occupation (HMO).

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

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

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

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- (a) the proposal is acceptable in principle;
- (b) the proposal impacts on the amenity of neighbouring residents;
- (c) representations raise issues to be addressed.

(a) Principle of the development

Policy Hou 7 of the adopted Edinburgh Local Development Plan (LDP) states that developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted. Policy Hou 7 is the only policy relevant to an HMO use. It does not seek to restrict the number of HMO properties in an area and is solely concerned with protecting the living conditions of nearby residents. The policy is supplemented by the non-statutory Guidance for Businesses which clarifies that planning permission is only required for HMO use when more than five unrelated people live together. There is no specific guidance on when HMO use might be acceptable or not.

The site is located on a busy A road that links the city to the bypass. The property itself is located within an existing urban environment forming part of a transitional area between a mix of residential and commercial development, including the bowling and social club, to the west and that of wholly residential to the east. The use of the property as an HMO does not raise any concerns given its location on a busy road and the nature of the surrounding uses. As detailed below in section (b), HMOs require licences which would address noise, disturbance and anti-social behaviour.

The change to an HMO is acceptable in principle provided it does not have a detrimental effect on nearby residents (see below).

(b) Amenity of nearby residents

HMO use is essentially a form of residential use where occupants generally rent a room and share facilities for extended periods of time. The change of use does not raise any issues around increased activity which may have a detrimental effect on the living conditions of nearby residents.

Concerns have been raised regarding the intensification of HMO use within the building as a whole. LDP Policy Hou 7 seeks to preclude the introduction or intensification of non-residential uses incompatible with predominantly residential areas. However, given the area is essentially mixed use in nature and the scale of the property subject to the proposal, there is no basis to conclude that granting planning permission for this development would lead to an unacceptable diminution of residential amenity.

The change of use of the property to a House in Multiple Occupation will require it to be licensed under the Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000 where controls exist to safeguard neighbouring residential amenity from instances of noise, disturbance and anti-social behaviour.

Considering the above, the proposed change to a house in multiple occupation will not result in any new material planning considerations which will have a detrimental effect on the living conditions of nearby residents and it therefore complies with LDP Policy Hou 7.

(c) Public comments

Material Considerations

- Noise: This has been addressed in section 3.3 a) and b);
- Privacy: No new buildings are proposed so the proposal raises no issues with regards to privacy;
- Car parking: The parking provided exceeds the Council's Parking Standard.

Non material Considerations

- Location of a bus stop outside the property.

Conclusion

The proposals comply with the Edinburgh Local Development Plan and non-statutory guidelines. The development would have no detrimental impact on residential amenity or road safety and parking. There are no material considerations that outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. 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.
3. 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.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

Following statutory neighbour notification on 4 July 2019, one petition containing 8 signatures was received.

Background reading/external references

- To view details of the application, go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development**Plan Provision**

The site is located within the Urban Area as defined by the Local Development Plan.

Date registered

25 June 2019

Drawing numbers/Scheme

01,

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Murray Couston, Planning Officer

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Links - Policies

Relevant Policies:**Relevant policies of the Local Development Plan.**

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

Non-statutory guidelines 'GUIDANCE FOR BUSINESSES' provides guidance for proposals likely to be made on behalf of businesses. It includes food and drink uses, conversion to residential use, changing housing to commercial uses, altering shopfronts and signage and advertisements.

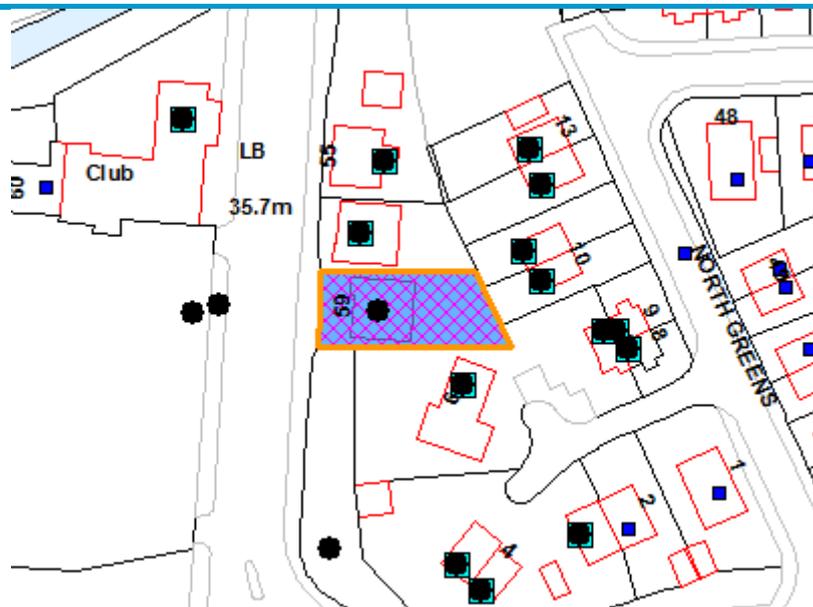
Appendix 1

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Consultations

No consultations undertaken.

Location Plan



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