

Development Management Sub Committee

Wednesday 19 February 2020

**Application for Planning Permission 19/05660/FUL
at 238B 1 And 2 Leith Walk, Edinburgh.
Change of Use from 2 (two) dwellings to 2 (two) Short term
let properties.**

Item number

Report number

Wards

B12 - Leith Walk

Summary

A change of use to short-term commercial visitor accommodation is acceptable in principle in this location and will not result in an unreasonable loss of amenity for neighbouring residential properties. No external alterations are proposed and the change of use will not have any material impact on the special character of the listed building or on the setting of the conservation area. The proposal complies with the Local Development Plan and the Council's Non-statutory Guidance and there are no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LEN04, LEN06, LHOU07, LTRA02, LTRA03, NSG, NSBUS, NSLBCA, NSHOU, CRPLEI,

Report

Application for Planning Permission 19/05660/FUL at 238B 1 And 2 Leith Walk, Edinburgh. Change of Use from 2 (two) dwellings to 2 (two) Short term let properties.

Recommendations

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

Background

2.1 Site description

The building is a single-storey, brick built, flat roof rear extension to a four-storey tenement. It is Category B listed (LB27712 / Date Added: 19 December 1979). The site is composed of two dwellings, with footprints of 60sqm and 90sqm. Both units have a bedroom, bathroom and open plan kitchen and living room. There is no curtilage space or off-street car parking provision.

The surrounding area is composed predominantly of tenements except for a storage yard to the southwest and commercial premises occupying the ground floors of Leith Walk. A pedestrian link to Leith Walk is provided by a pend and the site has vehicular access to New Orchardfield.

The parent tenement, but not the site, is located within the Leith Conservation Area and Leith Walk Town Centre.

2.2 Site History

16 March 2010 - Listed building consent granted for the alteration of a store to form two flatted dwellings, re-instate two roof lights, form windows in north-west and south-west walls, alter existing openings in north-east wall to form common entrance and new windows (application reference: 10/00131/LBC)

11 October 2010 - Planning permission granted for the change of use of a store to form two flatted dwellings, re-instate two roof lights, form windows in north-west and south-west walls, alter existing openings in north-east wall to form common entrance and new windows (application reference: 10/00130/FUL)

Main report

3.1 Description of the Proposal

The application proposes the change of use of two dwellings to short-term commercial visitor accommodation (SCVA). No external alterations are proposed.

A supporting statement was provided and its contents have been summarised below. It is available to view on the City of Edinburgh Council Planning and Building Standards Online Portal.

- The SCVA would be offered through property agents;
- The maximum number of visitors would be restricted to two and four for the smaller and larger units respectively; and
- The appointed agents would be instructed to follow the 'Best Practice for Short Term Lets' issued by the City of Edinburgh Council.

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.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area or its setting.

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) it will have a materially detrimental effect on the living conditions of nearby residents;
- c) it raises any issues in respect of car and cycle parking and road safety;
- d) it has special regard to the desirability of preserving the listed building, its setting or any features of special architectural or historic interest;

- e) it preserves or enhances the special character or appearance of the conservation area or its setting and
- f) the report has addressed all material considerations raised by timeously received letters of representation.

a) Principle of the Proposal

Local Development Plan (LDP) Policy Hou 7 (Inappropriate Uses in Residential Areas), seeks to preclude the introduction or intensification of non-residential uses in predominantly residential areas and prevent the further deterioration of living conditions in mixed use areas with important residential functions. The non-statutory Guidance for Businesses states that an assessment of a change of use of dwellings to SCVA will have regard to:

- The character of the new use and of the wider area;
- The size of the property;
- The pattern of activity associated with the use including numbers of occupants, the period of use, issues of noise, disturbance and parking demand; and
- The nature and character of any services provided.

The site is bounded by the New Orchardfield housing development to the northeast and northwest and overlooked by flats within tenements that are accessed from Leith Walk. A pend connects the site to Leith Walk which is a major arterial route and occupied by a mix of commercial, entertainment and light industrial premises.

The site is self-contained, in that its single northeast elevation entrance is not shared with any other residential properties. Each dwelling is composed of a single bedroom and separate living room, the latter of which could, in principle, be used as supplementary overnight accommodation. This small scale would restrict usage by an excessive number of visitors and means that the units will retain a comparable occupation level to neighbouring residential properties. SCVA of this size will not materially intensify demand on local services.

The proposal, given its proximity to Leith Walk, its access arrangements and restrictive small scale, is acceptable in principle and complies with LDP Policy Hou 7 and the non-statutory Guidance for Businesses.

b) Impact on Residential Amenity

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas), also restricts developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents.

The site shares a wall with a storage yard to the southwest and a beauty salon and tattoo parlour to the southeast. It is not directly connected to any flats nor is its single main door access shared with any residential properties. The access into both units opens into the pend which serves as a pedestrian link between Leith Walk and the New Orchardfield housing development. The potential level of occupancy will be similar to neighbouring residential uses.

Environmental Protection was consulted on the application and considered that there should be minimal noise issues as the proposal is accessed via a private door and is located within a self-contained, single storey unit with no residential properties above, below or adjacent.

Given the relatively varied land uses within the immediate vicinity of the site, the level of amenity enjoyed currently by residents is less than that which would be experienced by persons living in a wholly residential area. The presence of a storage yard and other potentially intrusive uses found on Leith Walk give the locality a distinct character. In conjunction with the self-contained nature of the site, the introduction of two, small-scale SCVA units within this area would not result in an unacceptable impact on existing levels of residential amenity.

The proposal will not have a materially detrimental effect on the living conditions of nearby residents and complies with LDP Policy Hou 7.

c) Parking and Road Safety

LDP Policy Tra 2, Private Car Parking, and LDP Policy Tra 3, Private Cycle Parking, state that planning permission will be granted for development where proposed car and cycle parking provision complies with and does not exceed the parking levels set out in the Non-statutory Edinburgh Design Guidance.

The guidance does not define car or cycle parking standards for SCVA. The site has no dedicated off-street car parking, nor would the creation of a suitable provision be feasible. However, the site has a direct connection to Leith Walk, which is well served by bus, and given the nature of the use, it is likely that the majority of visitors shall arrive by public transport. Sufficient internal space for cycle storage is available.

The provision of no private car parking is acceptable in this location for a development of this nature and the proposal complies with LDP Policy Tra 2 and LDP Policy Tra 3.

d) Impact on the Listed Building

Section 59 (1) of the Planning (Listed Building and Conservation Areas)(Scotland) Act 1997 states:-

"In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

LDP Policy Env 4, Listed Buildings - Alterations and Extensions, permits alterations to listed buildings when they are justified, in keeping with its character and can be undertaken without damage to historic structures or diminution of interest.

No external alterations are proposed and the change of use will not have any material impact on the special character and appearance of the listed building. The proposal complies with LDP Policy Env 4.

e) Impact on the Conservation Area

LDP Policy Env 6, Conservation Areas - Development, permits development affecting the setting of a conservation area where it preserves or enhances its special character and appearance.

No external alterations are proposed and the change of use will not have any material impact on the setting of the conservation area. The proposal complies with LDP Policy Env 6.

f) Letters of Representation

No letters of representation were received.

3.3.1 Conclusion

A change of use to SCVA is acceptable in principle in this location and will not result in an unreasonable loss of amenity for neighbouring residential properties. No external alterations are proposed and the change of use will not have any material impact on the special character of the listed building or on the setting of the conservation area. The proposal complies with the Local Development Plan and the Council's non-statutory Guidance and 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

Conditions

1. No conditions are attached to this consent.

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.

4. This consent is for planning permission only. Work must not begin until other necessary consents, eg listed building consent, have been obtained.
5. Planning permission does not affect the legal rights of any other parties with an interest in the building nor does it confer the right to carry out works without appropriate authority.

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

No representations have been 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 identified by the Edinburgh Local Development Plan.

Date registered

28 November 2019

Drawing numbers/Scheme

01,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Graham Fraser, Assistant Planning Officer

E-mail: graham.fraser@edinburgh.gov.uk Tel: 0131 469 3811

Links - Policies

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

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

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.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

Relevant Non-Statutory Guidelines

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.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-statutory guidelines 'GUIDANCE FOR HOUSEHOLDERS' provides guidance for proposals to alter or extend houses or flats.

The Leith Conservation Area Character Appraisal emphasises the areas unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities, and the importance of the Water of Leith and Leith Links for their natural heritage, open space and recreational value

Appendix 1

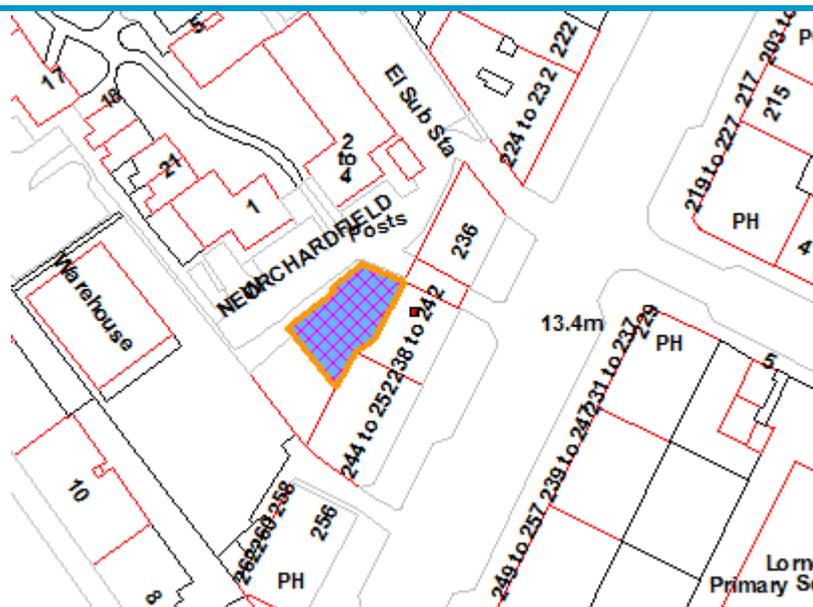
**Application for Planning Permission 19/05660/FUL
at 238B 1 And 2 Leith Walk, Edinburgh.
Change of Use from 2 (two) dwellings to 2 (two) Short term
let properties.**

Consultations

Environmental Protection (20 December 2019) - No Objection

The dwellings are accessed via a private door and are located in a self-contained single storey unit with no residential properties above, below or adjacent. Due to the layout and access and egress arrangements, there should be minimal noise amenity issues and Environmental Protection do not object to the development.

Location Plan



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