

# Development Management Sub Committee

Wednesday 17 March 2021

**Application for Planning Permission 20/00598/FUL  
at 494 Lanark Road, Edinburgh, EH14 5DH.  
Change of Use from dwelling to bed and breakfast (in  
retrospect).**

**Item number**

**Report number**

**Wards**

B02 - Pentland Hills

## Summary

---

The proposal complies with the Local Development Plan. The principle of the use is acceptable, it has no detrimental impact on the character and appearance of the conservation area, there is no adverse impact on neighbouring amenity and parking and access standards are met. There are no material planning considerations that outweigh this conclusion.

## Links

---

[Policies and guidance for this application](#)

LDPP, LHOU07, LEN06, NSG, NSBUS, NSLBCA, OTH, CRPJGR,

# Report

## **Application for Planning Permission 20/00598/FUL At 494 Lanark Road, Edinburgh, EH14 5DH Change of Use from dwelling to bed and breakfast (in retrospect)**

### **Recommendations**

---

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

### **Background**

---

#### **2.1 Site description**

The application relates to a substantial two storey detached stone villa, set back some 20metres from the main Lanark Road in an elevated position. The property is on the northern side of Lanark Road, the right-hand side when heading out of the city, just beyond the city by pass.

The area is characterised by mainly traditional stone built detached dwellings set in large grounds. Residential properties lie to the rear in the form of semi-detached dwellings with deep rear gardens.

The dwelling is accessed by a private driveway. A large lawn sits to the front of the property with two substantial cedar trees providing a screen from the road. A low stone wall with railings above provides the front boundary, with stone walls around two metres on either side. The property has a modern side extension on the eastern side which extends to the rear boundary. A single storey side extension is on the western side, with a detached garage at the rear western corner of the site.

This application site is located within the Juniper Green Conservation Area.

#### **2.2 Site History**

18 November 2019 - A Planning Enforcement case was opened, application reference 19/00889/SHORT , relating to concerns raised regarding the use of the dwelling for short stay commercial visitor accommodation.

The enforcement case has been closed pending the outcome of this planning application.

## Main report

---

### 3.1 Description of the Proposal

The application is for retrospective planning permission for the change of use from residential dwelling to bed and breakfast letting. The change of use commenced at the property on 1 August 2019. The applicant was unaware that a change of use consent was required.

The applicant has advised that the premises are used as bed and breakfast let with the applicant occupying the rear annexe and operating the premises from there. There are four lettable rooms. Two of the rooms have kitchen facilities. The applicant provides a continental breakfast on request.

There is a garage with space for two cars. These are for the sole use of visitors.

### 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 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.

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 proposals preserve or enhance the character and appearance of the conservation area;
- c) the proposal affects road safety and
- d) public comments raised have been addressed.

a) The principle of the change of use is acceptable

LDP Policy Hou 7 relating to inappropriate uses in residential areas, states that developments, including a change of use, which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted.

The property is a detached dwelling set in its own grounds with private access and some off-street parking provision. The proposal for four letting bedrooms is akin to occupation by a large family home and it considered to be an acceptable use in this locality. The property is large enough to accommodate the number of visitors proposed with its own entrance and private garden area. It is located on a busy main road where a large degree of noise and movement is part of the character of the area. Whilst there may be some increased movement from cars and taxis, this will be intermittent and unlikely to cause serious noise issues. The proposal complies with the Council's non-statutory planning Guidance for Businesses.

Neighbours have raised concern regarding the transient population moving through the property which raises concern for privacy and safety of children. This is a matter for the police to oversee and for relevant housing authorities to ensure that those posing a risk to local communities are housed in appropriate locations.

Environmental Protection advise that they have not received any complaints regarding the operation of the premises and as such raise no objections.

It is considered that the proposed change of use of the premises is acceptable within LDP policy Hou 7 in that the proposed number of occupants and pattern of activity is compatible to the residential area.

#### b) 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."*

LDP Policy Env 6 seeks to protect and where possible enhance the character and appearance of the conservation area by ensuring that new development is of appropriate design and quality.

The Juniper Green Conservation Area Character Appraisal identifies the area as a linear village stretching along the main road, on a ridge above the Water of Leith river valley. This section of Juniper Green is characterised by predominately stone villas in large plots.

The change of use of the property would not involve any alterations to the building or its grounds. No loss of trees or subdivision of the property or the site is proposed. It is unlikely that any increase in pedestrian or car movement would fundamentally change the character of this part of the conservation area.

The change of use proposal would not detrimentally impact upon the character of the conservation area.

The proposal complies with LDP Env 6.

### c) Road Safety

The application site is accessed by a private drive coming off Lanark Road. This is domestic in width. However, it is long and leads to a garage at the rear of the property where two cars can be parked. There is also the option of parking in front of the property on Lanark Road as this stretch of the road is unrestricted. Local residents have raised concern regarding residents/customers parking on the pavement causing an obstruction; this is a matter for the police to enforce. Transport has raised no objection to the proposal.

### d) Public Comment

#### **Material Comments - objections**

- Transport - assessed in section 3 c);
- Inadequate car parking on site, existing drive is too narrow for the number of cars attracted to the property - assessed in section 3 c); and
- Amenity concerns - assessed in section 3 a);
- taxis at anti-social hours - addressed in 3a).

#### **Non-material comments**

- unclear whether this is a proposed bed and breakfast for tourism or a House in Multiple Occupation - the agent has confirmed that the application is for a change of use to bed and breakfast;
- retrospective nature - retrospective applications are permitted under planning legislation;
- visitors at anti-social hours - not a material planning consideration;
- some residents hosting late night parties - not a material planning consideration;
- cars parking on the pavement and a dangerous bend on the road - this is for the Police to control
- residents of the property should be enforced to use alternative parking - visitors are entitled to park on the public street
- bins not being emptied and tidied away on a regular basis; causing blockages on the pavement - not a material planning consideration;
- poorly sign posted resulting in neighbours being inconvenienced having to direct customers to the property - not a material planning consideration;
- concern regarding children's safety from unknown residents/a transient population - not a material planning consideration.

### Conclusion

The proposal complies with the Local Development Plan. The principle of the use is acceptable, it has no detrimental impact on the character and appearance of the conservation area, there is no adverse impact on neighbouring amenity and parking and access standards are acceptable. There are no material planning 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 applicant is encouraged to enhance signage to the premises, advertisement consent may be required.

#### **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:**

#### **Consultation and engagement**

---

##### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

##### **8.2 Publicity summary of representations and Community Council comments**

The application was advertised on 21 February 2020 and attracted 10 letters of representation; 9 objections and 1 comment.

A full assessment of the representations can be found in the main report in the Assessment section.

## 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**

Edinburgh Local Development Plan. The site lies within Juniper Green Conservation Area.

### **Date registered**

7 February 2020

### **Drawing numbers/Scheme**

1,

Scheme 1

## **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Jennifer Zochowska, Senior Planning Officer

E-mail: [jennifer.zochowska@edinburgh.gov.uk](mailto:jennifer.zochowska@edinburgh.gov.uk)

## **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.

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

#### **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.

### **Other Relevant policy guidance**

The Juniper Green Conservation Area Character Appraisal emphasises the traditional village character, and the wide and interesting mix of architectural styles and forms.

# Appendix 1

## **Application for Planning Permission 20/00598/FUL at 494 Lanark Road, Edinburgh, EH14 5DH. Change of Use from dwelling to bed and breakfast (in retrospect)**

### **Consultations**

---

#### **Environmental Protection**

*The application site is a substantial detached property set back approximately 20m from Lanark Road. The property has a single storey extension on the eastern gable end. The neighbouring properties east and west are also relatively large detached properties. To the south, over the other side of the road are similar sized residential properties as well as a nursing home which is set back significantly from Lanark Road.*

*The principal concern regarding the application is noise from guests arriving and leaving early in the morning or late at night. The bed and breakfast has been operating since 1st August 2019, however, there are no records of complaints being received.*

*Therefore, Environmental Protection has no objections to this application.*

#### **Roads Authority Issues**

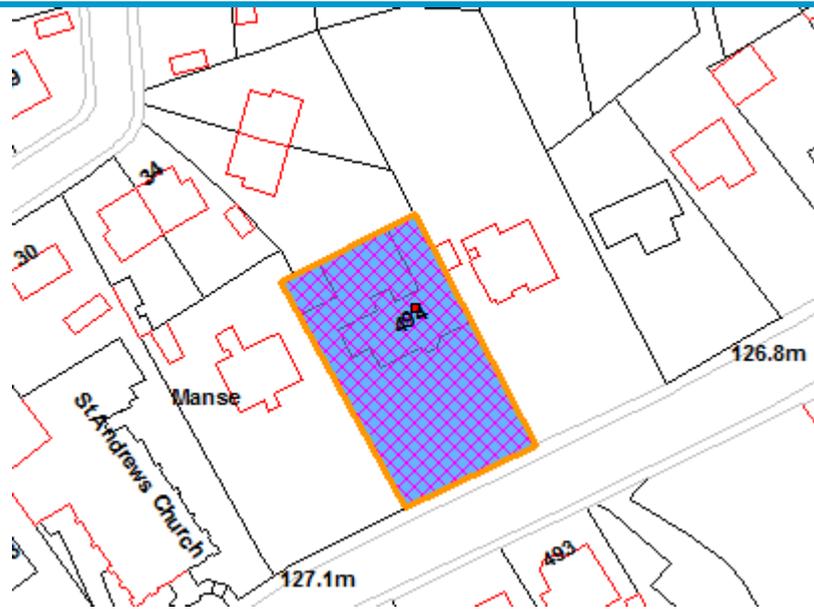
*No objections to the application*

*Note:*

*The applicant should be advised that parking is not allowed on the footway fronting the proposed change of use.*

## Location Plan

---



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