

# Development Management Sub Committee

Wednesday 5 May 2021

**Application for Planning Permission 21/00878/FUL  
at 13 Sciennes, Edinburgh.  
Temporary period of 2 years to permit Sui Generis use of  
premises as student accommodation and short-stay  
accommodation for let to non-students at any time of year.**

**Item number**

**Report number**

**Wards**

B15 - Southside/Newington

## Summary

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The proposed mixed use of students and short stay visitors for a temporary period of 2 years complies with the Local Development Plan. There will be no adverse impacts on student or residential amenity and the proposals preserve the character and appearance of the conservation area. There are no material planning considerations which outweigh this conclusion.

## Links

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[Policies and guidance for this application](#) LDPP, LHOU07, LEN06, NSBUS,

# Report

## **Application for Planning Permission 21/00878/FUL at 13 Sciennes, Edinburgh Temporary period of 2 years to permit Sui Generis use of premises as student accommodation and short-stay accommodation for let to non-students at any time of year.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site is Meadow Court, a purpose built student accommodation (PBSA) complex on the west side of Sciennes.

Built in the 1980s, Meadow Court provides 148 student bedrooms arranged in 3, 4, 5 and 6 bedroom cluster flats along with 5 and 6 bedroom mews houses. The main building houses the cluster flats across 5 storeys and fronts Sciennes, in-line with historic sandstone tenements to the north. Behind the main building lies a central courtyard which is connected to Sciennes via a gated pend in the main building.

The courtyard contains a halting area for deliveries/collections, two mews houses to the north and south, and a new building along the west boundary housing a common room, meeting room and study space with integrated bicycle and bin stores. As part of the proposals for the new building, use of the courtyard was also converted from a car park to a shared garden with new landscaping.

This application site is located within the Marchmont, Meadows And Bruntsfield Conservation Area.

#### **2.2 Site History**

19 October 2010 - a certificate of lawfulness was granted for use of the premises as student accommodation and summer letting to non-students out with term-time during the academic year (planning reference: 10/02240/CLE)

14 March 2017 - planning permission granted for demolition of existing store rooms and construction of a new building within the existing courtyard to accommodate a common room and meeting room, with integrated bike and bin stores (planning reference: 17/00316/FUL)

## **Main report**

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### **3.1 Description of The Proposal**

The application is for full planning permission for a temporary period of 2 years to permit the use of Meadow Court as short-stay accommodation available for let to non-students on a year-round basis, in addition to its continued use as PBSA for letting to students.

Like the current use, the proposed use would be Sui Generis as it does not fall within any specified class of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended).

#### Supporting Statement

- Planning statement

This is available to view on the Planning and Building Standards On-line Services.

### **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 proposed use is acceptable;
- b) the proposals preserve or enhance the character and appearance of the conservation area and
- c) public comments have been addressed.

#### a) Proposed Use

The application site is situated in the urban area as defined in the adopted Edinburgh Local Development Plan (LDP).

The main policy that is applicable to the assessment of short-stay commercial visitor accommodation (SCVA) lets is LDP policy Hou 7 (Inappropriate Uses in Residential Areas) which states that developments, including changes of use which would have a materially detrimental impact on the living conditions of nearby residents, will not be permitted.

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.

It is noted that the current use is student accommodation not dwellings but as students typically stay in the accommodation for much of the year, it should be considered whether a more mixed use involving visitor accommodation could impact on their amenity.

There has been a number of appeal decisions which have helped to assess whether short stay visitor accommodation is acceptable or not. These appeals are material planning considerations. The main determining issues in these cases relate to the following:

- The location of the property and, in particular, whether it is part of a common stair shared by residents. Typically, appeals are successful where the property has its own private access;
- The frequency of movement and likely disturbance for neighbours, and whether this is likely to be more than a full-time tenant occupying the flat. Generally, the smaller the flat the less likelihood of disturbance to neighbours;
- The impact on the character of the neighbourhood. Again, this often relates to the size of the property and whether anyone renting it for a few days is likely to shop or use local services any differently from a long-term tenant;
- The nature of the locality and whether the property is located within an area of activity such as being on a busy road or near shops and other commercial services. As such, residents would be accustomed to some degree of ambient noise/ disturbance.

These appeals have also found that short stay visitor accommodation units can be acceptable in predominately residential areas.

Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. Whilst there is not a specific LDP policy relating to the jobs created through the required care, maintenance and upkeep of SVCA properties, the economic benefits are a material planning consideration.

The proposal effectively seeks to allow continued letting to students but also with the option to let apartments to non-students on short leases (from a single night to several months) at any time of year, which currently only takes place in the summer months.

This would allow flexibility to let space to either students or non-students year-round in response to conditions in the PBSA market that have been caused by coronavirus.

In recent years, Meadow Court has consistently achieved 100% occupancy. However, this rate has dropped significantly due to the pandemic and students working from home. It has recently dropped to 43% and it is expected that teaching will continue to be delivered online by the various institutions in Edinburgh for the foreseeable future, continuing the reduced demand for PBSA bedspaces. Introducing a more flexible type of accommodation for a temporary period of 2 years would allow the accommodation to be used more effectively.

In terms of the criteria above, the building is in a central location and whilst the access will be shared between students and visitors, it is not envisaged that this would be so intensive to cause any harm in terms of amenity. The frequency of movement is likely to be more than a residential property as visitors will be arriving every few days but in the context of a student complex which is typically busy with lots of movement, this is unlikely to cause significant harm in terms of amenity to the students who live there. It is likely that visitors will use local facilities in a similar way to many students and there will be no appreciable difference. Although Sciennes is a reasonably quiet street, it is near the city centre shops and commercial outlets and any increase in activity caused by short stay visitors is compatible with this context.

In relation to residential amenity, a mix of students and short stay visitors is unlikely to be significantly different to the current use. Visitors will enter the building and there will be no direct interaction with local residents.

The proposals comply with policy Hou 7.

#### 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 - Conservation Areas - Development states that development within a conservation area will be permitted if it preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal and demonstrates high standards of design and utilises materials appropriate to the historic environment.

There are no proposed alterations to the building and the appearance of the conservation area will be unaffected. In addition, there would be little change to the character of the conservation area should the use change from students to students and short stay visitors all year round.

The proposal complies with LDP Policy Env 6.

### c) Public Comments

#### **Material Comments - Objection:**

- Do not want any more non-students - addressed in 3.3a)

#### Conclusion

The proposed mixed use of students and short stay visitors for a temporary period of 2 years complies with the Local Development Plan. There will be no adverse impacts on student or residential amenity and the proposals preserve the character and appearance of the conservation area. There are no material planning considerations which outweigh this conclusion.

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

### **3.4 Conditions/reasons/informatives**

#### **Conditions:-**

1. Permission is granted for a limited period of 2 years. The use hereby approved shall cease prior to or on the date of expiry of the limited period of consent. The land and buildings shall be restored to its previous use within 3 months of the cessation of the development.

#### **Reasons:-**

1. To reflect the temporary nature of the proposals.

#### **Informatives**

It should be noted that:

1. 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.
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.

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **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**

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### **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**

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

There is no pre-application process history.

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

One objection comment has been received.

## **Background reading/external references**

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- 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**

**Date registered** 23 February 2021

**Drawing numbers/Scheme** 01-08,

Scheme 1

### **David Givan**

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PLACE

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## **Links - Policies**

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### **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.

**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

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### Transport Planning

No objections.

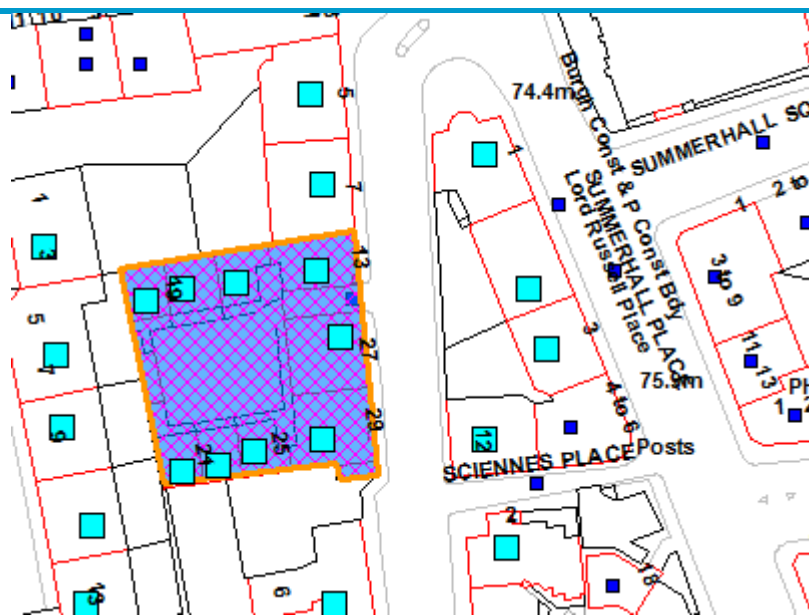
Note:

Cycle parking provision has been considered under 'hotel use' in this case. Therefore, the existing 26 cycle parking spaces are considered to meet the requirement of 1 space per 10 bedrooms for the 148 rooms;

The existing zero car parking provision is considered appropriate. The development lies within Controlled Parking Zone 7 (Mon-Fri, 8.30am-5.30pm).

### Location Plan

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