

Development Management Sub Committee

Wednesday 16 June 2021

**Application for Planning Permission 21/01591/FUL
At 48 Howe Street, Edinburgh, EH3 6TH
Proposed change of use of flat to a short term let.**

Item number

Report number

Wards

B11 - City Centre

Summary

The change of use to short-term holiday/commercial visitor accommodation (SCVA) is acceptable in principle in this location and will not harm the special interest of the listed building or the defined character of the conservation area. It will not result in an unreasonable loss of amenity for neighbouring residential properties or any transport concerns. The proposal complies with the adopted Local Development Plan. There are no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LHOU07, NSBUS, NSG, LTRA02, LTRA03, LTRA04, HES, CRPNEW,

Report

Application for Planning Permission 21/01591/FUL At 48 Howe Street, Edinburgh, EH3 6TH Proposed change of use of flat to a short term let.

Recommendations

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

Background

2.1 Site description

The property is a basement level residential dwelling within a four storey tenemental terrace; the ground floor units of the terrace are mostly in commercial use. It has two bedrooms.

The flat is accessed down a private flight of stairs from the street leading directly to the front door. There is no shared access with any other properties.

The property is a category A listed building (Listed 14 September 1966) (Listed Building Reference: 29677) and lies within the World Heritage Site.

This application site is located within the New Town Conservation Area.

2.2 Site History

19 October 2020 - Planning permission granted for change of use and alterations to convert a restaurant to one flat (Application reference: 20/03442/FUL).

Main report

3.1 Description Of The Proposal

The application proposes the change of use to a short-term holiday/commercial visitor accommodation (sui generis) for a maximum of four people.

Supporting information was provided and its contents have been summarised below:

- 48 Howe was redeveloped under a separate application and applicant in late 2020 from a restaurant (class 3) to a residential unit.
- No residential units are above, below or adjacent to the application site.
- The units directly above are commercial in nature.
- The property has its own private front door.
- The space in front of the building is private and is not used to access any other property.

No external alterations are proposed.

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.

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 development has special regard to the desirability of preserving the listed building, its setting or any features of special architectural or historic interest;
- c) the development preserves or enhances the special character or appearance of the conservation area;
- d) the development will have a materially detrimental effect on the living conditions of nearby residents;
- e) the development raises any issues in respect of car and cycle parking and road safety; and
- f) comments raised have been addressed.

a) Principle of the Proposal

The application site is situated in the urban area as defined in the adopted Edinburgh Local Development Plan (LDP). It should be noted that the LDP does not include any policies against the loss of residential use.

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.

The guidance states that a change of use in flatted properties will generally only be acceptable where there is a private access from the street, except in the case of HMOs.

In connection to short stay lets it states - "The Council will not normally grant planning permission in respect of flatted properties where the potential adverse impact on residential amenity is greatest".

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 use is relatively small scale and the flat is located on a busy road in a prominent location. It has its own private access. Although it has been developed as a flat, according to the supporting statement it has not been used as such. The surrounding

uses are a mixture of business, residential and commercial. The proposed introduction of this use would not detract from the aforementioned characteristics, in this instance.

Based on the criteria established above, the proposal is acceptable in principle.

b) 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"

Historic Environment Scotland's (HES) Guidance Notes on Managing Change in the Historic Environment: Use and Adaptation of Listed Buildings states; "New uses may enable us to retain much of the fabric and special interest of a building, but they will always have an impact on its intangible value. The process of conversion will have some impact on a building's special interest, regardless of how well it is handled. The continued use of a listed building for its original function will normally be the best way to retain its historic character".

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 or internal alterations are proposed to the listed building. Whilst it is acknowledged that the use of the building will change from residential to a SCVA, the change will not have a material impact on the special interest of the listed building. The proposal complies with LDP Policy Env 4 and the relevant HES guidance.

c) Impact on the 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."

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone-built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four-storey corner and central pavilions.

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.

No external alterations are proposed and the change of use of the flat will not have any material impact on the appearance of the conservation area. In addition, The New Town Conservation Area Character Appraisal states that "the development of the New Town has resulted in a building stock of extraordinary quality which has proved to be both durable and capable of adaptation, both to the needs of changing residential standards and to different uses". The site is on a relatively busy T-junction and the adjacent properties are predominately residential and commercial in nature. The proposed change of use would go towards providing different uses while not impacting on the intrinsic character of the conservation area. The proposal complies with LDP Policy Env 6.

d) Impact on Residential Amenity

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

The New Town Conservation Area Character Appraisal states that works should be "in keeping with the character and appearance of the particular area and do not prejudice the amenities of adjacent properties".

The site is located on the T-junction at Howe Street, which is in the New Town Conservation Area leading towards Stockbridge, Inverleith and Trinity. Howe Street is a busy street in terms of traffic and pedestrian movement as would be expected being a thoroughfare for the southern New Town to the Northern section and beyond. The application site is a lower ground floor flat which is self-contained. Its main entrance to 48 Howe Street is from the street itself, down a flight of stairs and through a private courtyard. This entrance is not shared with any other residential properties. Any occupants of the flat would therefore not come into contact with residents living nearby.

The relatively small size of the flat would restrict usage by an excessive number of visitors and means that the unit will retain a comparable occupation level to neighbouring residential properties. An SCVA of this size will not materially intensify demand on local services.

As stated, the application site is located on a relatively busy route linking the north of the city to the city centre and beyond. In conjunction with the self-contained nature of the site, this one, relatively small-scale SCVA unit, would not result in an unacceptable impact on existing levels of residential amenity. Furthermore, the units adjacent and above the application site are commercial in nature and the noise generated from the relatively small scale SCVA unit would be comparable to these uses. Environmental Protection were consulted on the application and offered no objection with regards to the proposals potential impact upon the amenity of nearby residents.

This complies LDP Policy Hou 7 and the non-statutory Guidance for Businesses.

e) 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 a SCVA. Regardless of whether the property has access to off-street car parking, the site is located near to roads which are well served by buses, trams and Waverly Station. 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 proposal complies with LDP Policy Tra 2 and LDP Policy Tra 3.

f) Public comment

Material Comments - Objection: -

- Noise and nuisance; this is addressed in section d).
- Concerns regarding communal areas; the application site is self-contained with no communal areas.

Non-Material Comments - Objection: -

- Litter; this is not a material planning consideration.

Conclusion

The change of use to short-term holiday/commercial visitor accommodation (SCVA) is acceptable in principle in this location and will not harm the special interest of the listed building or the defined character of the conservation area. It will not result in an unreasonable loss of amenity for neighbouring residential properties or any transport concerns. The proposal complies with the adopted Local Development Plan. 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:-

Reasons:-

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

Two comments were received from members of the public.

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

6 April 2021

Drawing numbers/Scheme

01,

Scheme 1

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Conor MacGreevy, Planning Officer

E-mail: conor.macgreevy@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.

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.

Relevant Non-Statutory Guidelines

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.

LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

Relevant Government Guidance on Historic Environment.

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

Appendix 1

Application for Planning Permission 21/01591/FUL At 48 Howe Street, Edinburgh, EH3 6TH Proposed change of use of flat to a short term let.

Consultations

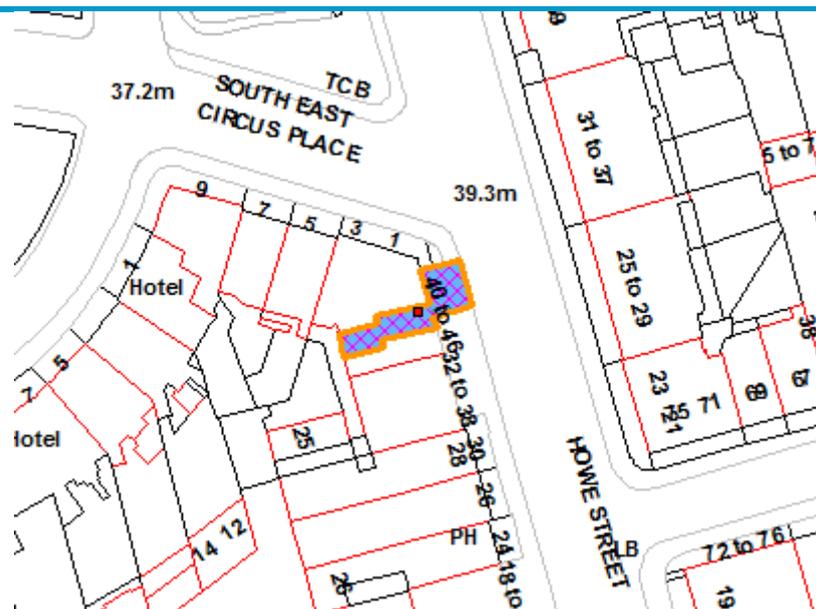
Environmental Protection

INSERT ONCE CONSULTATION HAS RETURNED.

Historic Environment Scotland

No comments

Location Plan



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