

# Development Management Sub Committee

**Wednesday 8 September 2021**

**Application for Planning Permission 21/02664/FUL  
At Drylaw House, 32 Groathill Road North, Edinburgh  
Change of use of Drylaw House to short-term let visitor  
accommodation (Sui Generis).**

**Item number**

**Report number**

**Wards**

B05 - Inverleith

## Summary

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The change of use to short-term holiday/commercial visitor accommodation (SCVA) is acceptable in principle in this location. The development will not harm the special interest of the listed building, nor will it result in an unreasonable loss of amenity for neighbouring residential properties. The proposal complies with the adopted Local Development Plan. There are no material considerations that outweigh this conclusion.

## Links

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[Policies and guidance for this application](#)

LDPP, LHOU07, LEN03, LEN04, NSG, NSLBCA, NSBUS, HES, HESUSE,

# Report

## **Application for Planning Permission 21/02664/FUL At Drylaw House, 32 Groathill Road North, Edinburgh Change of use of Drylaw House to short-term let visitor accommodation (Sui Generis).**

### **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 relates to Drylaw House, No. 32 Groathill Road North, Edinburgh.

Drylaw House was constructed in 1718. It is a substantial 2 storey, 15 bedroom, category A listed building set in large wooded grounds with its own private access off Groathill Road North. More modern residential properties have been constructed around the grounds of the House.

The west elevation of the house is unaltered with 6 windows and a central door. It has a big piended roof with twin chimneys. The front of the building facing east was remodelled in the late 18th century. Drylaw House also has a notable interior.

The building was listed on 27 October 1965. LB reference 28060. Category A listed.

#### **2.2 Site History**

28 January 2020- Listed building consent granted for proposed installation of partitions to form two en-suite rooms with associated sanitary provision installations for each room formed (in retrospect)(Application reference: 19/05683/LBC).

13 March 2021- Planning permission granted at Development Management Sub Committee for change of use from class 9 (Domestic) to class 7 (Hotel) (Application reference: 20/04410/FUL).

Section 42 application for Drylaw House. Variation of Condition 1 of application 20/04410/FUL to allow use of the building by all class 7 uses. Currently under assessment (Application Reference: 21/03191/FUL).

## Main report

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### 3.1 Description Of The Proposal

The application is for planning permission for the change of use of the property from a class 9 (Residential Building) to a Short-term Commercial Visitor Accommodation (SCVA) (Sui Generis). The SCVA will have 15 rooms, with a maximum capacity of 24 persons and a dining room in which meals could be served.

### 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.

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 and whether it will have a materially detrimental effect on the living conditions of nearby residents;
- 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 raises any issues in respect of car and cycle parking and road safety;
- d) other material considerations have been addressed and;
- e) comments raised have been addressed.

#### a) Principle of the proposal and effect on living conditions of nearby residents

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.

The guidance states that proposals for a change of use will be assessed in terms of their likely impact on neighbouring residential properties. Factors which will be considered include background noise in the area and proximity to nearby residents.

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 property. Generally, the smaller the property 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.

The property is located on a residential street. The property is detached, has large garden grounds and its own private access. The dwelling is substantial in size currently with 15 bedrooms.

Environmental Protection was consulted on the application and it stated that it had no objections to the proposal. It stated that "*Short term letting noise issues regularly comes down to how well the premises are being managed. The Applicant has advised that they would maintain a guest handbook containing robust terms and conditions, with all potential guests being vetted, and large deposits taken. They also have CCTV in the grounds to monitor for any antisocial behaviour*". Environmental Protection also noted that the property sits within extensive walled grounds.

Police Scotland were also consulted as part of the assessment of the application. It stated that they would welcome the opportunity for one of their Police Architectural Liaison Officers to meet with the architect to discuss Secured by Design principles and crime prevention through environmental design in relation to the development.

It is further acknowledged that planning permission has recently been granted for the change of use of the property from class 9 (Domestic) to class 7 (Hotel). Under this agreed use, a large number of new individuals would already be permitted to arrive and stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents.

Given the above, on the balance of probability, it is unlikely that the SCVA would result in an unacceptable impact upon existing levels of residential amenity.

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, including that of tourism, are a material planning consideration.

The proposal is acceptable in principle and it complies with LDP policy Hou 7.

#### 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."*

No external or internal alterations to the building are indicated on the submitted plans or are stated within the development description. The proposal will therefore have no impact upon the setting of the building or on any features of special architectural or historical interest which it possesses.

#### *Use and adaptation*

Historic Environment Scotland's (HES) Managing Change in the Historic Environment guidance note on the use and adaptability of listed buildings is applicable. It states that *"for a building to remain in use over the long term, change will be necessary. This reflects changes over time in how we use our buildings and what we expect from them. The listed buildings in Scotland reflect a wide range of our history and culture, they contribute to our well-being culturally, socially and economically. We can't have these benefits without caring for these buildings. We need to make sure they have a long term future if we want to benefit from them in the long term"*

*"A building's long-term future is at risk when it becomes hard to alter and adapt it when needed. Proposals that keep buildings in use, or bring them back into use, should be*

*supported as long as they do the least possible harm. Once a building is empty or underused its long term future is immediately at risk"*

Historic Environment Scotland's guidance note on the use and adaptability of listed buildings explains that the process of converting a building will have some impact on a building's special interest, regardless of how well it is handled.

HES was consulted as part of the assessment of the application. It confirmed that it had no objections, although it noted that changes may be required in the future to adapt the building to its new use. If in the future works are proposed then these may require listed building consent.

There is no suggestion that the property needs to be a SCVA to be a viable use for the building. but in terms of the impact on its character and setting, the proposals are acceptable.

The proposal therefore complies with Historic Environment Scotland's Managing Change in the Historic Environment guidance notes.

#### 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. LDP policy Tra 4 -(Design of Off-Street Car and Cycle Parking) states that where off street car parking is required or considered to be acceptable, certain design considerations will be taken into account.

The property has its own private access which is long established. No alterations to the entrance to the site or existing parking layout are proposed. Whilst the access to the site may be busier when the property is utilised as a SCVA, the building will only have 15 rooms. There will not be a significant amount of traffic entering or exiting the site during the course of a day. Vehicles entering the site off Groathill Road should be expected to slow to get through the narrow entrance to the property and when exiting the site to slow as they approach the main road. However, the planning service cannot control the behaviour of road users.

The guidance does not define car or cycle parking standards for a SCVA, however, the grounds of the site are expansive and there are currently parking spaces within the property's grounds for cars or motor bikes. There is ample space within the building itself or within its grounds for the storage of bikes for visitors to navigate the city. The property is also within walking distance of local bus routes.

The Roads Authority was consulted as part of the assessment of the application. It confirmed that it had no objections to the proposal.

The proposal complies with LDP Policy Tra 2, Tra 3 and Tra 4.

#### d) Other material considerations

##### *Trees*

The application site falls within a defined Tree Preservation Order (TPO) zone (TPO 105).

LDP policy Env 12 (Trees) states that development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order unless for good arboricultural reasons.

The applicant has confirmed that no works to the trees within the site are proposed. The application complies with LDP Policy Env 12.

##### *Open Space Protection*

LDP policy Env 18 (Open Space Protection) aims to protect all open spaces, both public and privately owned, that contribute to the amenity of their surroundings and the city, provide or are capable of providing for the recreational needs of residents and visitors or are an integral part of the city's landscape and townscape character and biodiversity.

The site also falls within a defined open space protection area. There is no development proposed within the gardens of the site. The open space will continue to contribute to the city's landscape, biodiversity and the recreational needs of visitors. The property's large garden could be utilised just as fully by residential owners as by future SCVA users. Anyone sensibly utilising the garden for recreational purposes will not harm or disturb any wildlife which is present within the garden grounds. The application complies with LDP policy Env 18.

#### e) Public Comments

##### **Material Comments - Objections:**

- Does not comply with LDP policy Hou 7 in terms of potential noise and disruption. This is addressed in section 3.3 a)
- Impact on traffic and road safety. This is addressed in section 3.3 c.
- Maps shown are inaccurate. The plans submitted are to scale.

##### **Non Material Comments - Objections:**

- Pollution and littering- This is not a material consideration in assessment of SCVAs.
- Impact on safety- This is not a material planning consideration. Any concerns over personal safety should be raised with Police Scotland.

## **Material Comments- Support**

- Complies with LDP policy Hou 7 in terms of noise and disruption. Stops unsociable behaviour dwelling being used. This is addressed in section 3.3 a.
- Help maintain the listed building and stop it falling into disuse. This is addressed in section 3.3b.
- The proposed use will have no greater potential impact on neighbouring amenity than the approved hotel. This is addressed in section 3.3a.
- Will help local jobs and employment. This is addressed in section 3.3 a.

## **Non Material Comments Support**

- No objections to the change of use.

## Conclusion

The change of use to short-term holiday/commercial visitor accommodation (SCVA) is acceptable in principle in this location. The development will not harm the special interest of the listed building, nor will it result in an unreasonable loss of amenity for neighbouring residential properties. The proposal does not comply 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**

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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**

The application received four objection comments and seven support comments. The points raised are addressed in section 3.3 of this report.

## **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** 3 June 2021

**Drawing numbers/Scheme** 01,02,

Scheme 1

**David Givan**  
**Chief Planning Officer**  
PLACE  
The City of Edinburgh Council

Contact: Robert McIntosh, Planning Officer  
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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 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

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

#### **Relevant Non-Statutory Guidelines**

**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 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 Government Guidance on Historic Environment.**

Managing Change in the Historic Environment: Use and Adaptation of Listed Buildings sets out Government guidance on the principles that apply to enable the use, the reuse and adaptation of listed buildings.

# Appendix 1

## **Application for Planning Permission 21/02664/FUL At Drylaw House, 32 Groathill Road North, Edinburgh Change of use of Drylaw House to short-term let visitor accommodation (Sui Generis).**

### **Consultations**

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#### *Environmental Protection*

I refer to the above and would advise that Environmental Protection has no objections to the proposed development.

The application proposes the change of use of a residential property to short term let visitor accommodation. The property sits in extensive walled grounds however residential properties are situated around 36 metres away.

The Council has received noise complaints from short term lets in the past as they generally do not include a 24-hour staff presence. Short term letting noise issues regularly comes down to how well the premises are being managed. The Applicant has advised that they would maintain a guest handbook containing robust terms and conditions, with all potential guests being vetted, and large deposits taken. They also have CCTV in the grounds to monitor for any antisocial behaviour. Whilst Environmental Protection have no complaints of noise on record relating to the premises (whilst run as a short term let), it is understood that the Police have had to deal with noise issues on site.

It is understood that the Scottish Government are presently undertaking a consultation on how best to address the issues stemming from short term lets. In this regard it is expected that short term lets will be regulated by way of a licencing scheme. Should this occur then noise issues are best addressed in that manner as the premises' operators will be required to join the scheme. Until then, under the existing residential use class, the applicant can use the premises as a short term let anyway (e.g. Airbnb) without further planning consents being sought.

Therefore, Environmental Protection offers no objection to the application.

#### *Archaeologist*

Further to your consultation request I would like to make the following comments and recommendations concerning this application for the change of use of Drylaw House to short-term let visitor accommodation (Sui Generis).

The application concerns the A-listed Drylaw House constructed in 1718 a building regarded as being of national historic and archaeological significance. Given that the submitted proposals do not show any significant works to the building's historic fabric, it is considered that this development will not have a significant archaeological impact. Accordingly, I have concluded that this application has no known archaeological implications

## Historic Environment Scotland

Drylaw House is an early-eighteenth century mansion with a notable interior.

After a series of recent applications, we note the current intention is to change the house's use to accommodate short term lets.

A set of basic illustrative plans has been provided, which appears to show the retention of the plan-form without any substantial change.

Whilst we welcome that no changes are currently proposed, from experience we would expect a future intensification of the accommodation for guests, in particular the provision of en-suites for bedrooms e.g. currently there are a large number of bedrooms without en-suites or direct access to a bathroom/WC. It is also likely that any change of use could legally require additional works to meet current building standards e.g. fire doors, window guards, improvements to means of escape etc.

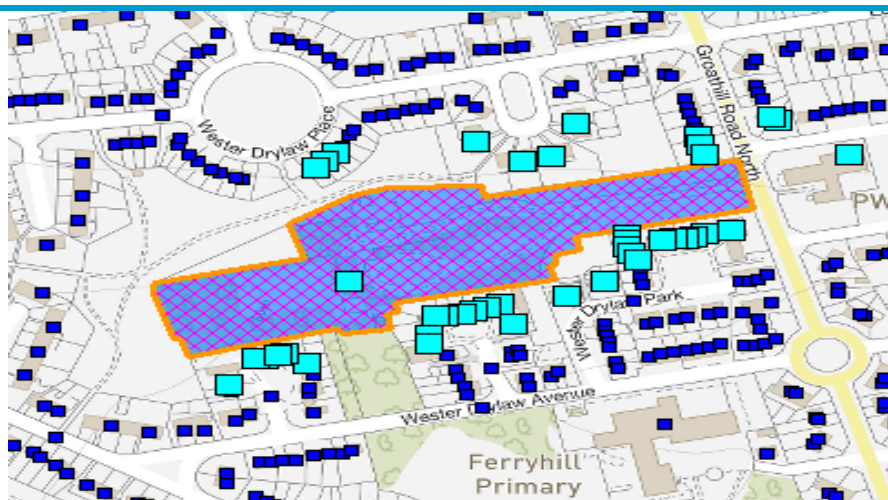
These works could have a harmful impact on the special interest of the historic building.

We would therefore suggest the change of use is likely to impact adversely on the listed building, but that harm wouldn't necessarily be significant, and might be controlled adequately through the LBC process.

Further details of any necessary works could usefully be provided, and we would be happy to comment further.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

## Location Plan



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