

# Development Management Sub Committee

Wednesday 27 October 2021

## Application for Planning Permission 21/04098/FUL

At 1F1-1F12, 2F1-2F22, 3F1-3F17 & 4F18-4F34, 555 Gorgie Road, Edinburgh

Temporary change of use for 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

B07 - Sighthill/Gorgie

## Summary

---

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

## Links

---

[Policies and guidance for this application](#)

LDPP, LHOU07, NSG, NSBUS,

# Report

## **Application for Planning Permission 21/04098/FUL At 1F1-1F12, 2F1-2F22, 3F1-3F17 & 4F18-4F34, 555 Gorgie Road, Edinburgh**

**Temporary change of use for 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**

---

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

### **Background**

---

#### **2.1 Site description**

The application property is ELS house, a five storey plus basement former office and showroom building on the south side of Gorgie Road, on the west side of the Water of Leith. The application is for the upper floors of ELS House. The ground and basement floors (a former car showroom) are in separate ownership.

The upper floors are presently in use as Purpose Built Student Accommodation (PBSA).

The surrounding area is a mix of uses with sheltered housing to the west, an industrial estate to the south west and offices to the north. Residential uses predominate to the north and west.

#### **2.2 Site History**

27 September 2013 - planning permission granted for change of use of third and fourth floors to student accommodation (application number 13/01256/FUL)

9 November 2016 - planning permission granted for change of use of second floor to student accommodation (application number 16/04088/FUL)

25 November 2016 - Planning permission granted for change of use of first floor to student accommodation (application number 16/04087/FUL)

#### Adjacent site

4 March 2021 - application for planning permission for erection of mixed-use development comprising residential flats, purpose-built student accommodation, associated car parking, cycle parking, landscaping and infrastructure; change of use of existing car showroom to class 1 and class 2 uses (as amended) (application reference 20/00619/FUL).

## **Main report**

---

### **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 ELS House 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). The agent has confirmed it is not for residential use.

No alterations to the existing internal layout or external appearance of the building are proposed as the property is readily-convertible between the existing and proposed uses.

#### 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.

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; and
- b) 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 let accommodation 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 short stay lets 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 short stay accommodation could impact on their amenity.

There has been a number of appeal decisions which have helped to assess whether short stay lets are 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 units can be acceptable in predominately residential areas. The units will be geared towards short stay accommodation for key workers and young professionals and will be in the form of managed studios on a short lease.

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 terms of the criteria above, the building is on a busy arterial road and whilst the access will be shared between students and non-students, 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 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 non-students will use local facilities in a similar way to many students and there will be no appreciable difference. The site is near shops and commercial outlets and any increase in activity caused by short stay use 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. Access to the building will be the same and there will be no direct interaction with local residents.

No on-site parking is available and there is good access to public transport.

The applicant has requested a temporary consent to allow more flexibility in the use of the building whilst the student housing market is going through a period of flux due to the coronavirus.

The proposals comply with policy Hou 7.

#### b) Public Comments

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

- Transient occupation not acceptable - addressed in 3.3a)

##### Conclusion

The proposed mixed use of students and short stay lets for a temporary period of 2 years complies with the Local Development Plan. There will be no adverse impacts on student or residential amenity. 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 from the date of this consent. 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. 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.
2. This consent is for the definition of a short stay let under section Section 26B(3) of the Town and Country Planning (Scot) Act 1997 and excludes private residential tenancies under section 1 of the Private Housing (Tenancies) Scotland Act 2016;
3. This consent shall therefore not apply to someone occupying the property as their 'home' and this would require planning permission for residential use.
4. 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**

Pre-application discussions took place on this application.

## 8.2 Publicity summary of representations and Community Council comments

One objection has 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](#)

<b>Statutory Development Plan Provision</b>	Urban Area
<b>Date registered</b>	30 July 2021
<b>Drawing numbers/Scheme</b>	01, Scheme 1

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

Contact: Nancy Jamieson, Team Manager  
E-mail: [nancy.jamieson@edinburgh.gov.uk](mailto:nancy.jamieson@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.

#### **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.



# Appendix 1

**Application for Planning Permission 21/04098/FUL  
At 1F1-1F12, 2F1-2F22, 3F1-3F17 & 4F18-4F34, 555 Gorgie  
Road, Edinburgh**

**Temporary change of use for 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.**

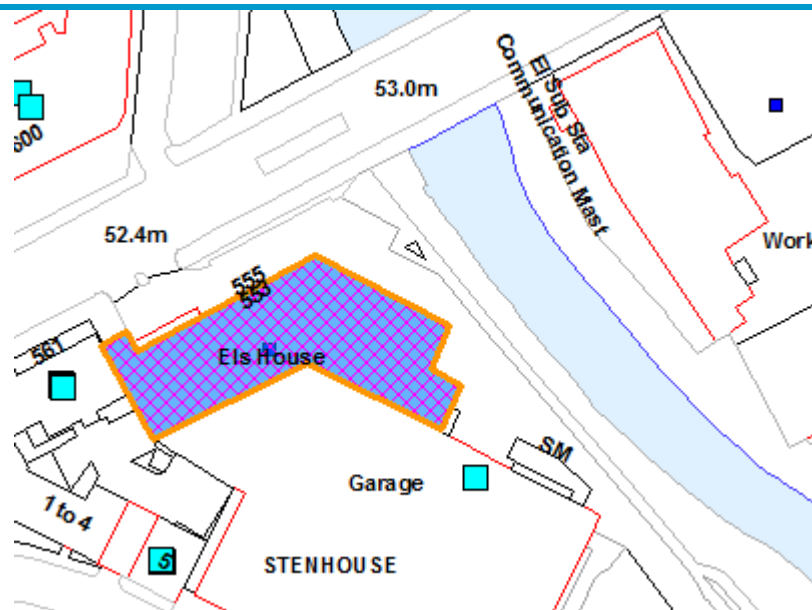
## Consultations

---

No consultations undertaken.

## Location Plan

---



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