

Development Management Sub-Committee Report

Wednesday 15 June 2022

**Application for Planning Permission
17 Ashley Terrace, Edinburgh, EH11 1RF**

Proposal: Change of Use (retrospective) from residential to short-term let.

**Item – Committee Decision
Application Number – 22/00803/FUL
Ward – B09 - Fountainbridge/Craiglockhart**

Reasons for Referral to Committee

Given the significance of the issue of short-term lets to the public interest at present, the Chief Planning Officer considers this application should be decided by Committee.

Recommendation

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

Summary

The proposal complies with the development plan. It will preserve and not harm the character and appearance of the conservation area. The proposed change of use to short term letting will not adversely impact on residential amenity and there are no transport issues. The proposal is acceptable. There are no material considerations which indicate that the proposal should be refused. Therefore, the proposal is acceptable.

SECTION A – Application Background

Site Description

The application property is a ground floor flat in a terraced stone colony. It has one bedroom and has main door access. Their front garden and a small private rear garden.

The surrounding area is predominantly residential although it contains a mix of uses, such as shops. Ashley Terrace Local Centre is across the road from the application property. The application site is on a bus route and is near Slateford Road, a key thoroughfare, which is also a bus route served by a frequent service.

The property is in Shandon Conservation Area.

Description of the Proposal

The application seeks planning permission for a change of use from residential to a short term holiday let apartment. It is a retrospective application because the short term let use has been operating since February 2014.

Supporting Information

- Planning Statement

Relevant Site History

No relevant site history.

Other Relevant Site History

No other relevant planning site history.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

No consultations undertaken.

Publicity and Public Engagement

Date of Neighbour Notification: 23 February 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 4 March 2022;

Site Notices Date(s): 1 March 2022;

Number of Contributors: 1

Section B - Assessment

Determining Issues

Due to the proposed development falling within a conservation area, this report will first consider the proposals in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?

- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling material considerations for not approving them?

If the proposals do not comply with the development plan, are there any compelling material considerations for approving them?

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations and
- any other identified material considerations.

Assessment

To address these determining issues, it needs to be considered whether:

a) The proposals harm the character or appearance of the conservation area?

The following HES guidance is relevant in the determination of this application:

- Managing Change in the Historic Environment: Guidance on Conservation Areas

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 Shandon Conservation Area Character Appraisal emphasises the street layout, which excludes through traffic; the uniform, high density layout; the uncluttered streets; the integrity of architectural design in use of materials; and the predominant residential use.

Ashley Terrace is the only street in the Shandon Colonies which has through traffic as it is on a main road linking Slateford Road to Polwarth Terrace and Colinton Road. It is opposite a shop and near other shops and commercial uses.

The character of this part of the conservation area has a more active and busier feel compared to the other streets in Shandon Conservation Area. The proposal will provide accommodation for tourists and individuals visiting the city, in a street of mixed uses. The proposal will not have a negative impact on the character of the conservation area.

There are no external alterations and the development preserves both the character and appearance of the conservation area. The change of use from a one-bedroom domestic flat to a short-term holiday let (STL) will not have any material impact on the character of the conservation area. The change of use would preserve the appearance of the conservation area.

Conclusion in relation to the conservation area

The proposal does not harm the conservation area and preserves its character and appearance. It is therefore acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) The proposals comply with the development plan?

The development plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Environment policy Env 6
- LDP Housing policy Hou 7
- LDP Transport policies Tra 2 and Tra 3.

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering policy Env 6.

The non-statutory Guidance for Businesses is relevant when considering policy Hou 7.

Conservation 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.

The impact on the character and appearance of the conservation area has been considered above in b). It was concluded that the change of use would not have any material impact on the character of the conservation area and would preserve the appearance of the conservation area.

The proposal complies with LDP Policy Env 6.

Principle of Development

The main policy that is applicable to the assessment of short-stay lets (STLs) 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. There are no policies relating specifically to the loss of housing stock or the control of short stay lets in the current LDP.

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.

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 letting 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 STL properties, the economic benefits are a material planning consideration.

In this case the property has its own front entrance access and front garden. There is no direct access to the garden of the upper flat nor to communal ground. Due to the location of the property being on a main road with mixed uses, including commercial and retail uses, there is already a degree of activity on the street. The question is whether the conversion of this unit to a short term let will make that materially worse and so adversely impact on residential amenity.

This is a one bedroom property suitable for two persons and the likelihood of disturbance to neighbours is low. The property is currently being used as a short term let. Whilst any planning permission cannot be conditioned in terms of number of occupants, it is unlikely it will be used for large numbers of visitors which may impact on neighbours' amenity. There will be no adverse impact on residential amenity and the proposal complies with LDP policy Hou 7.

Neighbouring Amenity

Policy Hou 7 (Inappropriate Uses in Residential Areas) states that developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted.

This has been considered above under heading Principle of Development and it was concluded that there would be no adverse impact on residents.

Anti-social behaviour such as noise disturbance can be dealt with through relevant legislation, such as by Police Scotland or Environmental Health Acts.

The proposal complies with LDP policy Hou 7.

Transport and Parking

LDP policy Tra 2 - Private Car Parking encourages low car provision where a development is accessible to public transport stops and that existing off-street car parking spaces could adequately accommodate the proposed development.

LDP policy Tra 3 - Private Cycle Parking supports development where proposed cycle parking and storage provision complies with the standards set out in Council Guidance.

There is no vehicle parking and no cycle parking. Zero parking is acceptable and there is no requirement for cycle parking for short term lets. Bicycles could be parked in the front garden or inside the property.

The proposal complies with policies Tra 2 and Tra 3.

Conclusion in relation to the Development Plan

The proposal complies with the development plan. It will not harm and will preserve the character and appearance of the conservation area. The proposed change of use to short term letting will not adversely impact on residential amenity and the principle of the development is acceptable. There are no transport issues.

c) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal complies with Paragraph 29 of SPP. It will contribute to the economy and will make efficient use of existing infrastructure including supporting the town centre (Ashley Terrace).

Emerging policy context

The Draft National Planning Framework 4 is being consulted on at present and has not been adopted. As such, little weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

A summary of the representations is provided below:

material support comment

- neighbouring amenity - never had any issues or concerns since the property has been let out

Conclusion in relation to identified material considerations

The proposals do not raise any issues in relation to other material considerations identified.

Overall conclusion

The proposal complies with the development plan. It will preserve and not harm the character and appearance of the conservation area. The proposed change of use to short term letting will not adversely impact on residential amenity and there are no transport issues. The proposal is acceptable.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Background Reading/External References

To view details of the application, go to the Planning Portal

Further Information - [Local Development Plan](#)

Date Registered: 21 February 2022

Drawing Numbers/Scheme

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Appendix 1

Summary of Consultation Responses

No consultations undertaken.

Location Plan



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