

Development Management Sub-Committee Report

Wednesday 23 November 2022

Application for Planning Permission
143 Buccleuch Street, Edinburgh, EH8 9NE

Proposal: Retrospective change of use from residential to short-term let visitor accommodation (Sui Generis).

Item – Committee Decision
Application Number – 22/03026/FUL
Ward – B15 - Southside/Newington

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 proposals are acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The change of use of this property to a short-term let will not harm neighbouring amenity and it will not impact on the character or the appearance of the conservation area. The proposal complies with the relevant policies within the Development Plan. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application property is a one-bedroom, ground floor flat, with a main door access from Buccleuch Street. The property forms part of a five-storey building and was formerly a commercial unit before its conversion to residential. A number of other shop to residential conversions have been carried out on Buccleuch Street.

Buccleuch Street is a busy thoroughfare for both pedestrians and vehicles. It is within a short walking distance to Clerk Street, a designated town centre and The Meadows.

The site lies within the South Side Conservation Area.

Description Of The Proposal

The application is for a change of use from residential to short term let (sui-generis). No internal or external physical changes are proposed. The applicant has advised that the property has been used as a short term let (STL) since autumn 2019. Therefore, the application is retrospective.

Supporting Information

- Planning Statement

Relevant Site History

13/02323/FUL
143 Buccleuch Street
Edinburgh
EH8 9NE
Change of use from hairdresser to main door one bed flat.
Granted
8 August 2013

Other Relevant Site History

None.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

No consultations undertaken.

Publicity and Public Engagement

Date of Neighbour Notification: 21 June 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 1 July 2022;

Site Notices Date(s): 28 June 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 South Side character appraisal emphasises the following:

The mixed residential, commercial and institutional buildings of the South Side consist mainly of four to six storeys constructed of stone with pitched, slated roofs. A characteristic in parts of the South Side is the use of wallhead gables in the early vernacular tenements. The general uniformity of building heights provides a background against which important features of the City stand out. Each period of the South Side's history has left buildings of significant interest.

There are no external or internal alterations proposed. Therefore, the impact on the character and appearance of the conservation area is acceptable.

Conclusion in relation to the conservation area

The proposals are 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 policies Env 1 and Env 6;
- LDP Housing policy Hou 7; and
- LDP Transport policies Tra 2, Tra 3 and Tra 4.

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

The non-statutory guidance for Business is a material consideration when considering LDP Policy Hou 7.

Conservation Area

The impact on the character and appearance of the conservation area has been considered above in a). 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 application site is situated in the Urban Area as defined in the LDP.

The main policy that is applicable to the assessment of short term lets is LDP Policy Hou 7 (Inappropriate Uses in Residential Areas), which seeks to protect residential amenity. It must be noted that at present, there are no policies that create a presumption against the loss of residential properties.

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 footprint of the property is approximately 36 sqm which is the minimum floorspace standard for a studio dwelling contained in the Edinburgh Design Guidance. The size of the property would allow around two short stay visitors to reside in the property.

Given the size of the property, it would discourage large groups from renting it, and its main door access from the street would avoid conflict with residents within the communal stair. In addition, the character of Buccleuch Street is considerably influenced by the relatively high pedestrian and vehicular traffic numbers, which create a high ambient background noise level during the day and into the late evening. Due to the characteristics of the property and the character of the area, the change of use will not have a materially detrimental effect on the living conditions of nearby residents.

Although there are residential properties in the immediate vicinity, due to the characteristics of the property and the character of the area, as set out above, the change of use will not have a materially detrimental effect on the living conditions of nearby residents.

It is recognised that the spend from the guests would support jobs in the local businesses such as shops and cafes/restaurants. 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.

The proposal complies with LDP Policy Hou 7 (Inappropriate Uses in Residential Areas).

Parking standards

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

The proposals comply with LDP Policies Tra 2 and Tra 3

Conclusion in relation to the Development Plan

The change of use of this property to a short-term let will not harm neighbouring amenity and it will not impact on the character or the appearance of the conservation area. The proposal complies with the relevant policies within the Development Plan.

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 the thirteen principles outlined within paragraph 29 of the SPP. The proposal therefore will contribute to sustainable development.

Emerging policy context

The Revised Draft National Planning Framework 4 was laid before the Scottish Parliament on 08 November 2022 for approval. As it has not completed its parliamentary process, only limited 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 considerations

- Loss of housing to short stay lets exacerbates the housing crisis situation in terms of affordability and availability - Addressed in section (b) above.

Conclusion in relation to identified material considerations

The other material considerations have been identified and addressed. There are no outstanding material issues to resolve.

Overall conclusion

The proposals are acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The change of use of this property to a short-term let will not harm neighbouring amenity and it will not impact on the character or the appearance of the conservation area. The proposal complies with the relevant policies within the LDP. There are no material considerations that outweigh this conclusion. It is recommended that the application be approved.

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: 8 June 2022

Drawing Numbers/Scheme

01.

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

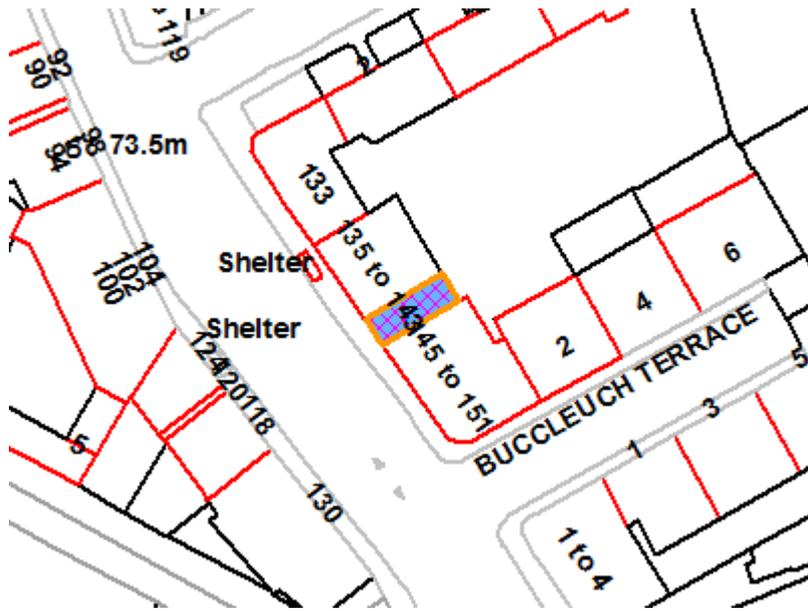
Contact: Laura Marshall, Planning Officer
E-mail:laura.marshall@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

No consultations undertaken.

Location Plan



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