

Development Management Sub-Committee Report

Wednesday 23 November 2022

**Application for Planning Permission
18 Grindlay Street, Edinburgh, EH3 9AS.**

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

**Item – Committee Decision
Application Number – 22/03025/FUL
Ward – B11 - City Centre**

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.

Subject to a condition requiring the rear door access to be infilled, the change of use of this property to a short-term let (STL) will not harm neighbouring amenity. The proposals will not harm the character or the appearance of the conservation area and will have no adverse effect on the Edinburgh World Heritage Site. The proposal complies with the relevant policies within the local development plan (LDP). There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is a two-bedroom, ground floor flat, with a main door access from the pavement on Grindlay Street. The property forms part of a four-storey tenement block and has a rear access door to communal gardens. To the side of the property is a pend, Grindlay Street Court, that leads to two and three storey office buildings and an area of commercial car parking. The street and its environs are host to a mix of uses, including the Usher Hall, shops, bars and restaurants. The property is within a short walking distance to Lothian Road and the town centre of Tollcross.

The site lies within the West End Conservation Area and a World Heritage Site designation.

Description Of The Proposal

The application is for a change of use from residential to short term let (sui-generis). The applicant has advised that the property has been used as a STL since January 2018. Therefore, the application is retrospective.

Supporting Information

- Planning Statement

Relevant Site History

No relevant site history.

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): 24 June 2022;

Site Notices Date(s): 21 June 2022;

Number of Contributors: 0

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 West End Conservation Area Character Appraisal acknowledges that the conservation area is extremely diverse in terms of its activities and uses ranging over city wide cultural activities, small offices and major headquarter offices, conference facilities and a wide variety of shops and restaurants. Georgian and Victorian tenements are mainly 4-6 storeys, constructed of stone with pitched, slated roofs. The major modern financial section consists modern offices to the south of the conservation area.

No external changes are proposed. However, as part of the broader assessment of the proposal, it would be necessary to block up the rear access to the communal gardens. The alterations would involve the existing door opening being infilled and replaced with a new window opening. A condition is therefore required to ensure that details of the rear door infill are submitted for further approval. This is to safeguard the character and appearance of the conservation area.

The proposed change of use of the property will not impact on the character or the appearance of the conservation area.

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 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.

Edinburgh World Heritage Site

The proposed change of use as a short stay let does not affect the reasons for the inscription of the World Heritage Site.

The proposal complies with LDP Policy Env 1.

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.

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.

Grindlay Street and its immediate vicinity contains a diverse mix of uses, including the Usher Hall, a theatre, shops, bars and restaurants. There is an established liveness to the character of the area due to nearby uses and their associated pedestrian and vehicular activity. The property has a main door access from Grindlay Street which would not interfere with other occupiers of the building. The level of activity is such that the ambient noise level is higher than would be found in more residential areas of the city centre. Given the busy character of the street during the day, and to an extent into the later evening, the activities and potential noise associated with STL uses would be largely masked. The proposed use of the property as a short stay let is compatible with the character and the mix of uses in this area.

However, the property does have a rear access to the communal garden. This area would be largely protected from the noise from the street and provides a quieter environment for residents. The opportunity for guests to access this area directly from the property has the potential for conflict in terms of noise and disturbance. In order to prevent a deterioration of residential amenity, it would be necessary to impose a planning condition requiring the door to be infilled or replaced with a window. This would safeguard neighbouring residential amenity.

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.

Subject to a condition requiring the infill of the rear door, the proposed change of use to a STL in this location will not have a materially detrimental effect on the living conditions of nearby residents. The proposal complies with LDP Policy Hou 7.

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

Subject to a condition requiring the rear door access to be infilled, the change of use of this property to a STL will not harm neighbouring amenity. The proposals will not harm the character or the appearance of the conservation area and will have no adverse effect on the Edinburgh World Heritage Site. The proposal complies with the relevant policies within the LDP.

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

No comments were received.

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.

Subject to a condition requiring the rear door access to be infilled, the change of use of this property to a STL will not harm neighbouring amenity. The proposals will not harm the character or the appearance of the conservation area and will have no adverse effect on the Edinburgh World Heritage Site. The proposal complies with the relevant policies within the LDP. There are no material considerations that outweigh this conclusion. It is recommended that this application be approved.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions :-

1. Within two months of the date of this permission, details of the infilling, including the proposed materials and detailing, of the access door to the rear garden, as shown on Drawing No. 02, shall be submitted to the Planning Authority for its written approval. The agreed method of infilling shall be implemented within two months of the date of written approval from the Planning Authority. Notwithstanding Section 26 of the Town and Country Planning (Scotland) Act 1997, no access to the rear elevation shall be formed without the approval of the Council, as planning authority.

Reasons:-

1. To make the proposed change of use of the property as a short stay let in this location acceptable in terms of safeguarding residential amenity.

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

01-02

Scheme 1

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