

APPLICANT: MICHAEL & CHERYL CRAN

COMMENTS ON NPF4 POLICY 30

Application for a Change of Use from House to Short-Stay Commercial Visitor Accommodation.

18 Spring Gardens, Edinburgh, EH8 8HX

Date: January 2022

HolderPlanning

- 1.1 This document contains our response to the LRB's request for comments on Policy 30 (Tourism) of NPF4.
- 1.2 Briefly, to explain the status of NPF4; on 13th February 2023, NPF4 will be adopted and will form one of two parts of the statutory development plan, the other part being the Edinburgh LDP 2016. As LRB Members will be aware, planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 1.3 From our reading of NPF4 and the adopted LDP, the two documents are not in conflict with each other in respect to the consideration of this application. However, NPF4 Policy 30 contains specific provisions in respect to tourism and short-term let applications which are absent from the LDP, which we address below.
- 1.4 Policy 30 contains two clauses – (b) and (e) – which are relevant. Clauses (a), (c) and (d) are not relevant in our view.

Policy 30 – Clause (b)

Policy 30(b) states:

Proposals for tourism related development will take into account:

- i. The contribution made to the local economy;**
- ii. Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors;**
- iii. Impacts on communities, for example by hindering the provision of homes and services for local people;**
- iv. Opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas;**
- v. Accessibility for disabled people;**
- vi. Measures taken to minimise carbon emissions;**
- vii. Opportunities to provide access to the natural environment.**

- 1.5 At the outset, it should be noted that Policy 30(b) does not require all of its provisions to be met for permission to be granted. Rather, it refers to matters to be taken into account. Notwithstanding that point, the proposal is supported by all of the provisions.
- 1.6 On sub-clause (i) it is difficult to precisely quantify the contribution to the local economy. However, the property is usually let to family groups holidaying in Edinburgh from the UK and abroad. They will therefore usually visit Edinburgh's paid attractions, including dining out more frequently than your average full-time resident. Guests attend the Military Tattoo (which both Mike and Cheryl Cran have worked at), the Yarn festival, the Science festival, the International Children's Festival, the

Edinburgh Marathon and play golf, amongst other things. They will therefore make a contribution to the City's economy, over and above the owner's part time residence and expenditure, and their payment of Council tax.

- 1.7 With regard to clause (b)(ii), the use is compatible with the surrounding area. This part of the policy is analogous to Policy Hou 7 of the LDP which is of course already part of the LRB's consideration. The LRB will have already noted that there is only one person living locally who has raised concerns regarding amenity impact and their complaints have led to Enforcement actions by the Council (even though the Council had no corroborating evidence that there was a problem as alleged). The applicant appealed against the Enforcement Notice and the Reporter, who visited the site and very thoroughly assessed the position, concluded that there was no significant impact on neighbouring amenity – from the courtyard area or anywhere else. Although we accept that different people have varying tolerance to 'disturbance', the clear evidence is that this one objector is unreasonably intolerant to the slightest inconvenience as he/she perceives it. There are a number of representations supporting the use and also corroborating comments from neighbours that the objector is not reasonable. It should also be noted that the planning handling report contains no direct evidence of any disturbance to residential amenity – instead it refers to the objection and the potential for disturbance.
- 1.8 In summary, therefore, there is only one objector who is alleging a harmful impact of the use. Whereas A Scottish Government Reporter and nearer neighbours, including the one with a party wall, all agree that there is no harmful impact on their residential amenity. It would therefore not be reasonable to accept the objector's exaggerated and untrue account of matters.
- 1.9 Policy 30 b(iii) refers to *"impacts on communities, for example by hindering the provision of homes and services for local people"*. **This is definitively not the case here.** This is one of two homes owned by the applicant, bought with the intent of retiring there, at which point they will sell their other home. The Crans intend to retain ownership 18 Spring Gardens in any circumstances, and so there is no question that the house's part-time use for short-term letting is hindering homes and services for local people. **Indeed, Mr and Mrs Cran are local people** because they currently live there every month, usually for 5 days to 2 weeks and participate in community affairs. They are members of Edinburgh Leisure and use the new Meadowbank Gym practically everyday they are there.
- 1.10 Policy 30 b(iv) refers to sustainable travel and appropriate management of parking and traffic generation. Spring Gardens is located close to bus routes and is in easy walking distance of some of Edinburgh's main attractions, including Holyrood Palace, the Scottish Parliament, Holyrood Park and the High Street. Most of the guest arrive by public transport, on foot or by taxi. The house has two dedicated parking spaces which are more than enough to cater for guests on occasions where they have a car. The one objector mentions that cars or taxis arriving have blocked immediate access/egress to their house. This has happened on only 2 occasions in 7 years of letting and as very isolated incidents cannot in our view be reasonably described as a problem.

- 1.11 Policy 30 b(v) refers to access for the disabled. In this regard the house, being quite new, meets modern building standards for disabled access, including a bedroom and shower-room on the ground floor. The Crans make a particular effort to accommodate those who are not as enabled as most, often accommodating family groups that need a safe and convenient space for one or more elderly or impaired relatives, which is not available in most hotels. For example, they are shortly to accommodate two guests with significant learning difficulties and their two carers. They will each be able to have their own bedroom, which would be unaffordable in an hotel. Also, one family group from the USA, who are regular visitors and have a forthcoming booking, have a daughter with Down's Syndrome. That guest has kindly emailed Crans on 3rd February 2023 when they heard that there was an objection to the house being let, as follows:

*I have stayed at Mike and Cheryl Cran's house on 2 separate occasions with my daughter, Lauren who has some learning needs. The house offered us the opportunity for Lauren to be more independent than if we had stayed at an hotel in the city She has some sensory processing issues, and being able to stay in her own space and set up her things in her way, was invaluable. It allowed her quiet time to decompress while still being able to relax to the beautiful view. Each bedroom has its own bathroom and there are 2 sitting areas each with a television so that a family can have plenty of space to relax. This house is very well equipped for guests to eat in and is conveniently located close enough to the city centre to allow you to walk to restaurants. The house offers the type of space which I couldn't expect from an hotel. I understand there is some objections because of the communal court yard. However nobody hangs around in this area - it is simply a space between the pavement and the front door and the location of Mike and Cheryl's house means that you don't pass in front of any other property.
This property has quickly felt like our home away from home and we would stay there again and again. The availability of this property brings great peace and happiness to our family and the Cran's are kind, accomidating and helpful.
My daughter cannot wait to plan our next stay at the Cran's home*

*Sincerely
Jennifer Visnesky*

- 1.12 Policy 30 b(vi) refers to minimising carbon emissions. Given the house is quite new, it well insulated with efficient heating. However, in our view this part of the policy is of limited relevance to the proposal, because a residential use would, in principle, have the same carbon footprint as a short-term let.
- 1.13 Finally, Policy 30 b(vii) refers to opportunities to access the natural environment. The house overlooks and is easily accessible to Holyrood Park. Guests have also commented about the proximity to Portobello Beach and Edinburgh's beautiful green spaces.

Clause 30(e)

- 1.14 Clause 30(e) states:

Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or**
- ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.**

- 1.15 In regard to Policy 30 e(i), we have explained above and in our earlier statements why there is very strong evidence that there is no harm to local amenity. Equally, we do not consider there to be unacceptable impact on the character of the area. In fact, if the LRB members were to visit Spring Gardens, they would not detect any noticeable difference at all resulting from the part-time letting of this property. Moreover, LRB members will appreciate that to grant this application does not set a precedent for granting further short-term lets in the area because if there were any future applications from neighbouring properties for a change of use, these would have to be considered on their merits, including whether or not additional short-term lets in the locality would have an impact on the character of the area.
- 1.16 As we have indicated in our previous statements, Mr and Mrs Cran are scrupulous in their vetting of guests and their application of house rules to ensure that guests respect their neighbours' amenity.
- 1.17 If the LRB has concerns about the long-term management of the property, and given the fact that the Crans intend to cease the letting of the property in 3 years' time when they retire, it would be quite appropriate for a grant of planning permission to have a condition attached which limited the duration of the permission.
- 1.18 On our viewing of the LRB meeting on 18th January, we noted that the LRB's Planning Adviser was asked why a limit on the duration of the permission was not an option. Respectfully and in fairness, we do not think the answer given provided a good reason why it is not possible in this particular case. We accept that it would not usually be correct to apply a permission duration limitation to a proposal that involved new build because thereafter it may be problematic or unreasonable to require the building to be removed. However, in the case of a change of use such as this, where the planning authority may have concerns about permitting the use in perpetuity, it is quite appropriate to apply such a condition. The applicant is therefore content for the following condition to be attached to the permission:

This planning permission is granted for a temporary period of 3 years.

Reason: To limit the duration of the permission to a reasonable period of time, after which a future application can be considered in respect to the use's impact on the residential amenity of neighbours and any other relevant policies at that time.

- 1.19 Policy 30 e(ii) indicates that short-term lets will not be supported where the loss of residential accommodation is not outweighed by demonstrable local economic benefits. **In this case there is no loss of residential accommodation because it is and will continue to be used as such by the Crans.**

It is therefore not necessary to demonstrate that there will be local economic benefits, although as explained above under Policy 30 b(i), there inevitably will be such benefits.

Conclusion

- 1.20 An independent Scottish Government Reporter, after very thorough consideration, has found that the operation of a short-term let at 18 Spring Gardens has no harmful impact on local residential amenity. In making this finding, he considered the comments of the one objecting resident in the courtyard. Although he reached this conclusion in respect to an Enforcement Appeal, it is equally relevant to the LRB's consideration of compliance with LDP Policy Hou 7 and NPF4 Policy 30 (b)(ii) and clause e(i). The only direct evidence that the LRB has to the contrary is that of the one objecting resident, and that evidence is not corroborated by any other party. Quite the contrary, as the application is supported by the immediate neighbour and other neighbours.
- 1.21 As regards the other provisions of NPF4, we have set out above why the application is supported by all of them. Nevertheless, the applicant is content for a condition that limits the duration of the permission for 3 years.