

Development Management Sub-Committee Report

Wednesday 24 May 2023

**Application for Planning Permission
137 Drum Street, Hyvots Bank, Edinburgh.**

Proposal: Change of use from hotel to supported & secured tenancy shared residential accommodation.

**Item – Committee Decision
Application Number – 22/04659/FUL
Ward – B16 - Liberton/Gilmerton**

Reasons for Referral to Committee

In accordance with the statutory scheme of delegation, the application has been referred for determination by the Development Management Sub-committee as it has received more than six material representations in objection and the recommendation is to grant planning permission.

Recommendation

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

Summary

The application for development is acceptable in relation relevant policies within National Planning Framework 4 and the Edinburgh Local Development Plan. The proposal would have no adverse effect on the character of the area or on neighbouring residential amenity. 121 representations were received in objection to the application, specifically in relation to anti-social behaviour and community safety; some weight has been given to these comments. There are no material planning considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is a one and a half storey detached building, currently operating as a hotel. The application site is on Drum Street, close to where the road terminates and becomes Gilmerton Road. The immediate location has been subject to considerable residential development, with blocks of flats to the north-west and west. The housing estate accessed from Candlemaker's Park is situated to the north.

Description of the Proposal

The application is for the change of use from a hotel (Class 7) to a supported residential accommodation (Sui Generis) with 12 self-contained units. The proposal would have 24/7 on site management. No external alterations are proposed.

Relevant Site History

No relevant site history.

Other Relevant Site History

No other relevant site history.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Roads Authority

Refer to Appendix 1 for a summary of the consultation response.

Publicity and Public Engagement

Date of Neighbour Notification: 5 October 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 121

Section B - Assessment

Determining Issues

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

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:

- 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 comply with the development plan?

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4.

The relevant NPF4 and LDP policies to be considered are:

- NPF4 Climate and Nature Crises - Policy 1.
- NPF4 Design, Quality & Place - Policy 14.
- NPF4 Quality Homes - Policy 16.
- NPF4 Health & Safety - Policy 23.
- NPF4 Intrastructure First - Policy 18.
- LDP Housing Policies Hou 2 and 7.

Principle

The proposed change of use would provide safe accommodation for vulnerable people within society. Whilst Planning cannot seek to control the end user of developments, it is recognised that provision of such accommodation is an essential element in ensuring individuals at risk are offered the opportunity to enjoy a secure environment. In addition to taking into account the exceptional circumstances of the proposal, the residents would also have access to inhouse staff twenty four hours a day.

This is acknowledged in both NPF 4 and the LDP, which identifies the need for such development in a number of policies:

NPF 4 Policy 14 supports the prioritisation of and improving physical and mental health, whilst NPF 4 Policy 16 promotes householder development that relate to people with health conditions. These objectives are reinforced through NPF 4 Policy 23, which identifies the need to provide safe places to protect human health

LDP Policy Hou 2 seeks to support more socially diverse and inclusive communities to meet a range of housing needs, including those of families, older people and people with special needs.

The proposal would provide safe and secure accommodation for vulnerable members of society and would be acceptable in relation to NPF4 Policies 1, 14, 16 and 23 and LDP Policy Hou 2. When specifically looking at NPF Policy 1, the proposal would have a neutral impact in terms of the global climate and nature crisis.

In terms of impacts on local services, these matters are adequately addressed under mechanisms that are separate to planning consent.

Amenity

A significant number of comments have been received from neighbouring residents, concerned about the impact of the use on public safety and anti-social behaviour and it is acknowledged that there is residential accommodation in close proximity to the property.

As set out above, the principle of providing secure accommodation is an important and recognised need within society.

The property is detached with a design that is essentially inward looking and self-contained. It is located on an 'A' road which is one of the main routes into the city from the south. These aspects of the site would provide some degree of amelioration from any potential disruption through the characteristics of the use. However, it should be noted that the proposal would seek to provide accommodation to residents for as long as necessary and it is not anticipated that there would necessarily be a high turnover of residents. Furthermore, the application proposes 12 units which would not represent a number that would have an erosive impact on local services. In addition, the property would be staffed 24 hours a day by qualified members of staff to ensure the safety of all residents.

A representation was received in terms of privacy. The application does not propose any additional windows and no additional privacy concerns would be created.

Environmental Protection was consulted, and no concerns were raised.

The proposals comply with NPF4 Policy 14 and LDP Policy Hou 7.

Conclusion in relation to the Development Plan

Whilst it is recognised that such uses can generate a high degree of local public concern, the provision of accommodation to vulnerable members of society is essential and supported by policies within NPF 4 and the LDP. The location of the site, being on a busy road, and in conjunction with the inward facing design of the building, is appropriate for such a use. Although Planning is unable to control the day-to-day functional operations of the property, it is clear that the applicant intends to create a safe and appropriately managed development, where transient occupation would not be a desired or anticipated characteristic.

The proposal is acceptable in terms of the relevant policies contained within NPF4 and the LDP.

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

The following material planning considerations have been identified:

Emerging policy context

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time 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

One hundred and twenty one comments were received (In objection).

Material Representation -

Anti-social behaviour: this is addressed in section a).

Community safety: this is addressed in section b).

Privacy: this is addressed in section a)

Impact on local resources; this is addressed in section a).

Non-Material Representation -

Attracting criminals; this is addressed in section a).

Property values: this is not a material planning consideration.

Representation conclusion -

The main elements of the representations relate to the proposed use and end-user having a detrimental impact on the surrounding area, specifically in terms of anti-social behaviour and community safety. Some weight must be given to these comments by virtue of their consistent theme and number.

Conclusion in relation to identified material considerations

The consideration of the material considerations do not outweigh the assessment in terms of the Development Plan.

Overall conclusion

The application for development is acceptable in relation relevant policies within National Planning Framework 4 and the Edinburgh Local Development Plan. The proposal would have no adverse effect on the character of the area or on neighbouring residential amenity. One hundred and twenty one representations were received in objection to the application, specifically in relation to anti-social behaviour and community safety; some weight has been given to these comments. There are no material planning considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. The proposal must provide twelve secure cycle parking spaces.

Reasons

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. In order to comply with Transport Planning.

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. 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.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - Local Development Plan

Date Registered: 15 September 2022

Drawing Numbers/Scheme

01-02

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Conor MacGreevy, Planning Officer
E-mail: conor.macgreevy@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Roads Authority
COMMENT: No objections.
DATE: 17 October 2022

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

Location Plan



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