

# Development Management Sub-Committee Report

**Wednesday 22 November 2023**

**Application for Planning Permission  
1F 22 Lower Gilmore Place, Edinburgh, EH3 9NY**

**Proposal: Change of use to short-term letting (in retrospect).**

**Item – Committee Decision  
Application Number – 23/03781/FULSTL  
Ward – B11 - City Centre**

## **Reasons for Referral to Committee**

Given the significance of the issue of short term lets (STLs) 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 is acceptable with regard to impact on residential amenity and the character of the area and does not result in loss of residential accommodation. It complies with NPF 4 policy 30(e) and the Edinburgh Local Development Plan (LDP).

## **SECTION A – Application Background**

### **Site Description**

The application property is a former office used for storage on the first floor of a two-storey building at 22 Lower Gilmore Place, south of the Union Canal.

The immediate surrounding area is a mix of commercial and residential uses. To the west of the application property are residential properties and the communal garden area of 6, Leamington Road. The east elevation of No.6 sits approximately 4.8 metres from the application site and has habitable windows facing on to the west elevation of the application property. There are new residential flats further west at the end of Lower Gilmore Place, beyond the Leamington Lift Bridge. To the east of the application property is a commercial workshop, service yards and office units. These buildings relate to plot 12-18 Lower Gilmore Place. On the opposite side of Lower Gilmore Place and fronting the canal is the marine office for Edinburgh Quay.

The application property has a private entrance from Lower Gilmore Place. The ground floor is owned by the applicant and is used as a vehicle servicing repair and MOT garage. There is no shared or private amenity space.

### **Description of the Proposal**

The application is for a change of use from office/storage to short term let (sui generis). The change of use will create two bedrooms, a sitting room/dining room /kitchen, office/study, utility room and bathroom. The main habitable windows face north and the two windows serving the utility and bathroom are on the west elevation of the application property. No internal or external physical changes are proposed. The applicant confirms that the short term let use has been operating since 2018. The application is therefore retrospective.

### **Supporting Information**

Planning Statement.

### **Relevant Site History**

10/03406/FUL  
1F 22 Lower Gilmore Place  
Edinburgh  
EH3 9NY  
Change of use from office to flat  
withdrawn  
28 January 2011

09/03181/FUL  
1F 22 Lower Gilmore Place  
Edinburgh  
EH3 9NY  
Change of use from office to flat  
Refused  
2 March 2010

### **Other Relevant Site History**

17/04235/PPP.  
Flatted residential development.  
Withdrawn.

22/06109/FUL  
12-18 Lower Gilmore Place.  
Demolition of existing buildings and erection of purpose-built student accommodation with associated landscaping and cycle parking.  
Refused 22.06.2023.  
Appeal in progress. (Ref PPA-230-2436).

### **Pre-Application process**

There is no pre-application process history.

## Consultation Engagement

No consultations undertaken.

## Publicity and Public Engagement

**Date of Neighbour Notification:** 30 August 2023

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 8 September 2023

**Site Notices Date(s):** 5 September 2023

**Number of Contributors:** 4

## Section B - Assessment

### Determining Issues

This report will consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

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 (NPF 4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF 4 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 NPF 4. The relevant policies to be considered are:

- NPF 4 Sustainable Places Policy 1.
- NPF 4 Productive Places Tourism Policy 30.
- LDP Housing Policy Hou 7.
- LDP Transport Policies Tra 2 and Tra 3.

The non-statutory Guidance for Businesses (2023) is a material consideration that is relevant when considering change of use applications.

### Proposed Use

With regards to NPF 4 Policy 1, the proposed change of use does not involve operational development resulting in physical changes to the property. The proposals will have a negligible impact on the global climate and nature crisis.

NPF 4 Policy 30 seeks to encourage, promote, and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland. Criterion 30 (e) specifically relates to STL proposals.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas), seeks to protect residential amenity.

The non-statutory Guidance for Businesses states that an assessment of a change of use of dwellings to a short term let 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.

### *Amenity*

The applicant has provided a planning statement which addresses the impact of the STL use on residential amenity. The statement highlights that the STL use is compatible with the bustling and noisy character of the surrounding area. It asserts that the physical relationship between the STL use, and nearest residential properties rules out disturbance as there is a buffer of gardens in between. The statement also sets out that the STL use is professionally managed, there are no known complaints, and it is a small flat with its own entrance which will not attract large groups. Finally, it states that there are no other residential properties in the building, there are no communal facilities and there are high ambient noise levels in the street.

The property is located within a mixed-use area where the operational activities from the immediate neighbouring commercial uses will result in an amenity level that is below that which would be experienced in other quieter locations within the city centre. There are residential properties in the immediate area including these directly adjacent to the application site, however, the impact of this STL use would not have a further detrimental impact on neighbouring residential amenity given the noise levels created by the uses and resultant activities that exist within the vicinity of the application property.

It is noted that the land (12-18 Lower Gilmore Place) is also the subject of an appeal to the Scottish Ministers against the refusal of planning permission to build 80 purpose-built student flats in June of this year. As stated within the Guidance for Businesses (2023) the assessment will be on the merits of any proposal against its impact on the lawful planning use of nearby properties, which in this case is commercial.

In these circumstances the impact on the residential amenity of the existing residential properties will be minimal. Consequently, the STL use is acceptable. The proposal complies with NPF 4 30(e) part (i) and LDP policy Hou 7.

#### *Loss of residential accommodation*

NPF 4 policy 30 (e) part (ii) requires that where there is a loss of residential accommodation, this will only be supported where the loss is outweighed by demonstrable local economic benefits.

Prior to use as an STL, the property was an office used for storage space, therefore NPF 4 policy 30 (e) part (ii) is not applicable to this application.

A comment has been received stating that the loss of business use should be resisted. The existing business remains operational on the ground floor. The associated business use on the first floor for offices and storage became surplus to requirements prior to 2009. Therefore, there is no net loss of business space.

#### *Parking standards*

There is no allocated car parking at the application property. The site is accessible by public transport within a 5-minute walk. There are no cycle parking standards for STLs. Bikes could be parked within the property if required. The proposals comply with policies Tra 2 and Tra 3.

### **Conclusion in relation to the Development Plan**

The proposal is acceptable with regard to impact on residential amenity and the character of the area and does not result in loss of residential accommodation. It complies with LDP policy Hou 7 and NPF 4 policy 30(e).

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

The following material planning considerations have been identified:

##### Emerging policy context

City Plan 2030 represents the settled will of the Council, and it has been submitted to Scottish Ministers for examination. As such, limited 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

Four objections received.

A summary of the representations is provided below:

#### *material considerations*

- Negative impact on housing stock. Addressed in a) above.
- Will cause traffic problems. Addressed in a) above.
- Loss of business use should be resisted. Addressed in a) above.

#### *non-material considerations*

- There are too many student flats in the area. The proposal is not for student flats.
- Project will reduce light and privacy. There is no extension proposed to the existing building.

### **Conclusion in relation to identified material considerations.**

Identified material considerations have been assessed above and do not raise issues which outweigh the conclusion in relation to the development plan.

### **Overall conclusion**

The proposal is acceptable with regard to impact on residential amenity and the character of the area and does not result in loss of residential accommodation. It complies with NPF 4 policy 30(e) and the Edinburgh Local Development Plan (LDP).

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following.

### **Conditions**

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.

### **Reasons**

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.

## **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: 18 August 2023**

## **Drawing Numbers/Scheme**

01, 02

Scheme 1

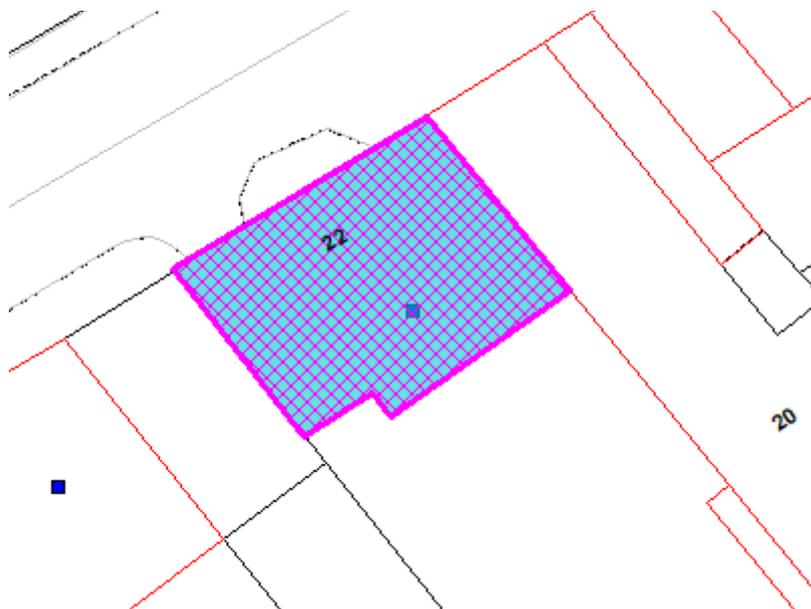
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## Summary of Consultation Responses

No consultations undertaken.

### Location Plan



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