

# Development Management Sub Committee

Wednesday 5 December 2018

**Application for Planning Permission 18/07251/FUL  
At 4 Mayfield Gardens, Edinburgh, EH9 2BU  
Proposed change of use from a 7 bedroom guesthouse  
with ancillary private living quarters to a 13 bed 15 person  
HMO with associated works (as amended).**

<b>Item number</b>	4.6
<b>Report number</b>	
<b>Wards</b>	B15 - Southside/Newington

## Summary

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The proposals comply with the adopted Edinburgh Local Development Plan and non-statutory guidelines and would have no adverse effect on the character and appearance of the conservation area. The development would have no detrimental impact on residential amenity or road safety and parking. There are no identified impacts on equalities or human rights and no material considerations that outweigh this conclusion.

## Links

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<a href="#"><u>Policies and guidance for this application</u></a>	LDPP, LEN06, LHOU07, LTRA02, LTRA03, NSG, NSLBCA, NSBUS, OTH, CRPCMP,
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# Report

## **Application for Planning Permission 18/07251/FUL At 4 Mayfield Gardens, Edinburgh, EH9 2BU Proposed change of use from a 7 bedroom guesthouse with ancillary private living quarters to a 13 bed 15 person HMO with associated works (as amended).**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site is a large stone built, detached property set within its own grounds and dates back to the late 19th century. Currently, the property is used as a guest house.

The property is located on the western side of Mayfield Gardens, close to the junction of Minto Street and West Mayfield. The surrounding area is characterised by a mix of residential and guest house uses.

This application site is located within the Craigmillar Park Conservation Area.

#### **2.2 Site History**

9 May 1991 - Planning permission granted for change of use from dwellinghouse to guesthouse (application reference 91/00581/FUL).

7 November 1995 - Planning permission granted for the erection of a sun lounge (application reference 95/02544/FUL).

### **Main report**

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#### **3.1 Description Of The Proposal**

The application proposes the change of use of the property from a seven bedroom guest house with an ancillary private flat to a 13 bed House in Multiple Occupation (HMO).

There are no external alterations proposed to the building. However, a timber constructed cycle store, which will provide 16 cycle spaces, is proposed to the rear. The parking area has been reconfigured to reduce the number of car parking spaces from eight to four, including two which are suitable for disabled persons' parking.

Internal alterations are proposed to facilitate the change of use. However, these do not constitute development under section 26 of the Town and Country Planning (Scotland) Act 1997.

### Scheme 1

The original plans showed parking for 8 cars.

### **Supporting Information**

A Design and Access Statement has been provided with the application. This can be found on the Planning and Building Standards Online Services.

### **3.2 Determining Issues**

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of permission.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

### **3.3 Assessment**

To address these determining issues, the Committee needs to consider whether:

- (a) the proposal is acceptable in principle;
- (b) the proposal preserves or enhances the character and appearance of the conservation area;
- (c) the proposal impacts on the amenity of neighbouring residents;
- (d) the proposal affects road safety and parking;
- (e) representations raise issues to be addressed; and
- (f) the proposal raises any other matters to be addressed.

### **(a) Principle of the development**

Policy Hou 7 of the adopted Edinburgh Local Development Plan (LDP) states that developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted. Policy Hou 7 is the only policy relevant to an HMO use. It does not seek to restrict the number of HMO properties in an area and is solely concerned with protecting the living conditions of nearby residents. The policy is supplemented by the non-statutory Guidance for Businesses which clarifies that planning permission is only required for HMO use when more than five unrelated people live together. There is no specific guidance on when HMO use might be acceptable or not.

The building is located on a main route into the city centre and provides good links to public transport infrastructure, shopping and community facilities. The surrounding area is characterised by a mix of residential uses including other HMO properties and guest houses. The property is detached and has private grounds which will provide off street parking and cycle storage. The existing guest house use has seven rooms available for guests and ancillary private living accommodation. Currently up to 17 people can be accommodated in the property when the guest house is full; this includes rooms used as the private family dwelling. The change to a 13 bedroom (15 person) HMO is acceptable in principle provided it does not have a detrimental effect on nearby residents (see below).

### **(b) Character and appearance of the conservation area**

Policy Env 6 of the LDP states that development within the conservation area will be permitted which preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal. The Craigmillar Park Conservation Area Character Appraisal states that:

*'The Craigmillar Park Conservation Area Character Appraisal emphasises the predominance of high quality stone-built Victorian architecture of limited height which provides homogeneity through building lines, heights, massing and the use of traditional materials, and the predominant residential use.'*

The proposal does not involve any external alterations to the property. The proposed cycle storage to the rear is acceptable in terms of scale, form and design and public views to the enclosure will be limited.

The proposal will not have any visual impact on surrounding listed buildings and it will preserve the character and appearance of the Craigmillar Park Conservation Area, complying with LDP Policy Env 6.

### **(c) Amenity of nearby residents**

HMO use is essentially a form of residential use where occupants generally rent a room and share facilities for extended periods of time. The change of use does not raise any issues around increased activity which may have a detrimental effect on the living conditions of nearby residents. Indeed, the change from frequent transient visitors to long term rented accommodation is likely to lead to less activity and potential disturbance.

Concerns have been raised regarding the intensification of HMO use within the wider area. Although policy Hou 7 seeks to preclude the introduction or intensification of non-residential uses incompatible with predominantly residential areas, there is no further guidance on this in relation to HMOs and there are no defined areas where HMO use might be restricted. Given the area is mixed use in nature, there is no basis to conclude granting planning permission for this development would lead to an intensification of HMO properties in this area.

The change of use of the property to a House in Multiple Occupation will require it to be licensed under the Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000 where controls exist to safeguard neighbouring residential amenity from instances of noise, disturbance and anti-social behaviour.

Environmental Protection has been consulted on this application and raise no objections subject to an informative being added.

Considering the above and the nature of the existing guest house use, the proposed change to a house in multiple occupation will not result in any new material planning considerations which will have a detrimental effect on the living conditions of nearby residents and it therefore complies with LDP Policy Hou 7.

#### **(d) Road safety and parking**

The Roads Authority has been consulted on this proposal and raise no objections.

The proposal to retain four of the existing eight parking spaces is considered acceptable as is the provision of up to 16 spaces for cycle parking in a secure and undercover location.

The proposal is acceptable in terms of road safety and complies with LDP Policy Tra2 Private Parking and Tra3 Private Cycle Parking.

#### **(e) Public comments**

##### **Material Considerations - Objections**

- Adverse impact on neighbouring residential amenity - addressed in section 3.3(c) of the assessment.
- Adverse impact on the conservation area and the existing building - addressed in section 3.3(b) of the assessment.
- Impact on traffic, parking and road safety - addressed in section 3.3(d).
- Intensification of HMO properties within the area - addressed in section 3.3(c) of the assessment.
- Visual impact on the listed buildings adjacent to property - addressed in section 3.3(b) of the assessment.
- Neighbour notification not carried out in accordance with regulations - addressed in section 3.3(f) of the assessment.

##### **Non-Material Considerations**

- Applicant did not notify wider community.

- Inadequate living conditions within the property.
- Increase in anti-social behaviour.
- Use as temporary sheltered accommodation.
- No proposed onsite management.
- Concerns over long-term maintenance of the property.

## **Grange/Prestonfield Community Council**

### Material Considerations

- Impact on conservation areas - addressed in section 3.3(b) of the assessment.
- Loss of residential use - addressed in section 3.3(f) of the assessment.

### Non-Material Considerations

- Internal partitions should be conditioned so they do not have a permanent impact.
- The private accommodation should be kept for onsite management.

## **(f) Any other matters**

### Overcrowding

Concerns have been raised over the potential of overcrowding within the property; the accommodation standards and the number of residents within any HMO properties are controlled by Licensing and are not matters for control under the planning legislation. Under Licensing, the properties will be inspected as to their suitability.

### Neighbour Notification

The neighbour notification process, site notice and press notice were carried out in accordance with the relevant planning legislation.

### Loss of residential use

The property is not currently in residential use. There are no policies in the local development plan which prevent the loss of the existing family dwelling which serves the guest house use. As HMO use is a form of residential use, the proposal will provide residential accommodation in the City.

## **Conclusion**

The proposals comply with the Edinburgh Local Development Plan and non-statutory guidelines and would have no adverse effect on the character and appearance of the conservation area. The development would have no detrimental impact on residential amenity or road safety and parking. There are no material considerations that outweigh this conclusion.

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

### 3.4 Conditions/reasons/informatives

#### Informatives

It should be noted that:

1. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. 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.
3. 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.
4. It is recommended that glazing shall be specified in accordance with BS8233 (2014) Guidance on sound insulation and noise reduction for buildings to attain the following internal noise levels and the WHO Guidelines for Community Noise:  
  
Bedrooms - 30dB LAeq,T and 45dB LAFmax  
Living Rooms - 35dB LAeq,D  
T - Night time 8 hours between 2300 and 0700,  
D - Daytime 16 hours between 0700 - 2300  
NB. CEC consider that a closed window standard is acceptable for transportation noise sources.
5. It is recommended that provision is made for an electric vehicle charging point at the car parking spaces provided.
6. As the proposal is to change the use to a HMO, it is recommended that you consult with the HMO Inspection Team who will be able to advise on the HMO licence standards. 0131 469 5151, E: [licensing@edinburgh.gov.uk](mailto:licensing@edinburgh.gov.uk)
7. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.

8. The applicant should be advised that as the development is located in the extended Controlled Parking Zone, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See [http://www.edinburgh.gov.uk/download/meetings/id/39382/item\\_7\\_7](http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7) (Category E - Sub divided, or converted).

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

The application has been assessed and has no impact in terms of equalities or human rights.

## **Sustainability impact**

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### **7.1 The sustainability impact has been assessed as follows:**

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

There is no pre-application process history.

### **8.2 Publicity summary of representations and Community Council comments**

The application was advertised on 18 September 2018 and a site notice was posted on 21 September 2018.

A total of 111 letters of objection were received. This includes an objection from Grange/Prestonfield Community Council.

A full assessment of the representations can be found in the main report within the Assessment section.

## **Background reading/external references**

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- To view details of the application go to
- [Planning and Building Standards online services](#)

- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development****Plan Provision**

The site is located in the Craigmillar Park Conservation Area as designated in the LDP.

**Date registered**

10 September 2018

**Drawing numbers/Scheme**

01, 02(B), 03-05,

Scheme 3

**David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Jennifer Zochowska, Senior Planning Officer

E-mail:jennifer.zochowska@edinburgh.gov.uk Tel:0131 529 3793

**Links - Policies**

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**Relevant Policies:****Relevant policies of the Local Development Plan.**

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

## **Relevant Non-Statutory Guidelines**

**Non-statutory guidelines** 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

**Non-statutory guidelines** 'GUIDANCE FOR BUSINESSES' provides guidance for proposals likely to be made on behalf of businesses. It includes food and drink uses, conversion to residential use, changing housing to commercial uses, altering shopfronts and signage and advertisements.

## **Other Relevant policy guidance**

The Craigmillar Park Conservation Area Character Appraisal emphasises the predominance of high quality stone-built Victorian architecture of limited height which provides homogeneity through building lines, heights, massing and the use of traditional materials, and the predominant residential use.

# Appendix 1

## **Application for Planning Permission 18/07251/FUL At 4 Mayfield Gardens, Edinburgh, EH9 2BU Proposed change of use from a 7 bedroom guesthouse with ancillary private living quarters to a 13 bed 15 person HMO with associated works (as amended).**

### **Consultations**

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#### **Environmental Protection**

*The application concerns a substantial Victorian two-storey detached villa on Mayfield Gardens. Mayfield Gardens is main thoroughfare which is busy with traffic and therefore the predominant background noise is from road traffic. Immediately, to the north is located another detached villa on the corner with West Mayfield, which appears to be used as residential accommodation; as are other properties to the west, on West Mayfield. Directly to the west and to the rear of the application property are located the gardens of said properties. To the south is located a modern style 3-storey apartment block, with adjacent residential villas further south. To the east, on the opposite side of the road is a row of Victorian style, 3 storey townhouse properties. The properties are a mixture of residential and guest house uses.*

*The area is well established for residential use and the property would have originally been used as residential accommodation. The application site is approximately 500m south of the city centre Air Quality Management Area (AQMA). There are no changes to the numbers of parking spaces and the change of uses will not impact on the AQMA.*

*There are no Environmental concerns regarding this application. In terms of traffic noise and electric vehicle parking, an Informative has been recommended.*

*Environmental Protection has no objections to this application.*

#### *Informative*

1. *It is recommended that glazing shall be specified in accordance with BS8233 (2014) Guidance on sound insulation and noise reduction for buildings to attain the following internal noise levels and the WHO Guidelines for Community Noise:*

*Bedrooms - 30dB LAeq,T and 45dB LAFmax*

*Living Rooms - 35dB LAeq,D*

*T - Night time 8 hours between 2300 and 0700,*

*D - Daytime 16 hours between 0700 - 2300*

*NB. CEC consider that a closed window standard is acceptable for transportation noise sources.*

2. *It is recommended that provision is made for an electric vehicle charging point at the car parking spaces provided.*

3. *As the proposal is to change the use to a HMO, it is recommended that you consult with the HMO Inspection Team who will be able to advise on the HMO licence standards. 0131 469 5151, E: [licensing@edinburgh.gov.uk](mailto:licensing@edinburgh.gov.uk)*

*Should you wish to discuss the above please contact me on 0131 469 5357.*

## **Roads Authority**

No objections to the application subject to the following being included as conditions or informatives as appropriate:

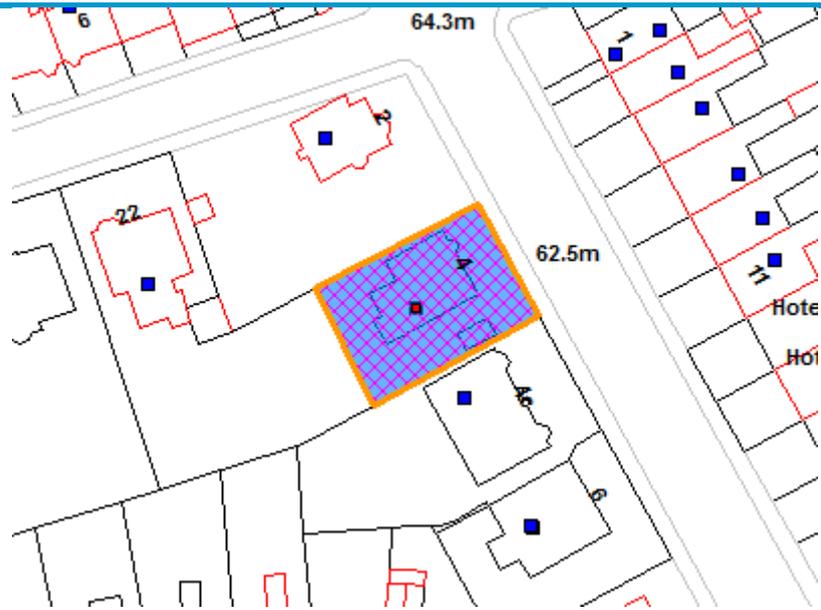
1. The applicant will be required to provide 15No.cycle parking spaces in a secure and undercover location;
2. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;
3. The applicant should be advised that as the development is located in the extended Controlled Parking Zone, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See [http://www.edinburgh.gov.uk/download/meetings/id/39382/item\\_7\\_7](http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7) (Category E - Sub divided, or converted);
4. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.

### **Note:**

The proposed application retains 8No. parking spaces for the proposed 13 bed HMO which is considered acceptable.

## Location Plan

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