

Notice of meeting and agenda

Planning Local Review Body (Panel 2)

10.00am, Wednesday, 1st November, 2023

Dean of Guild Court Room - City Chambers

This is a public meeting and members of the public are welcome to watch the webcast live on the Council's website.

Contacts

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1. Appointment of Convener

- 1.1 The Local Review Body is invited to appoint a Convener from its membership

2. Order of Business

- 2.1 Including any notices of motion and any other items of business submitted as urgent for consideration at the meeting.

3. Declaration of Interests

- 3.1 Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

4. Minutes

- 4.1 Minute of the Local Review Body (Panel 2) of 27 September 2023 – submitted for approval as a correct record 9 - 30

5. Local Review Body - Procedure

- 5.1 Note of the outline procedure for consideration of all Requests for Review 31 - 34

6. Requests for Review

- 6.1 16 South Scotstoun, South Queensferry 35 - 52
Change of use from main residence to short-term letting (in retrospect) - application no. 23/01980/FULSTL

- (a) Decision Notice and Report of Handling
- (b) Notice of Review and Supporting Documents
- (c) Letters of Representation

Note: The applicant has requested that the review proceed on the basis of an assessment of the review documents only.

- 6.2** GF 4 Priestfield Road, Edinburgh 53 - 72
Change of use to short term let (in retrospect) – application no 22/05694/FULSTL
- (a) Decision Notice and Report of Handling
 - (b) Notice of Review and Supporting Documents
 - (c) Letters of Representation
- Note: The applicant has requested that the review proceed on the basis of an assessment of the review documents and a site inspection.
- 6.3** 2F3 46 Cockburn Street, Edinburgh 73 - 102
Change of use from residential to short term let (in retrospect) – application no 23/01450/FULSTL
- (a) Decision Notice and Report of Handling
 - (b) Notice of Review and Supporting Documents
 - (c) Letters of Representation
- Note: The applicant has requested that the review proceed on the basis of an assessment of the review documents only.
- 6.4** Flat 5 20 Timber Bush, Edinburgh 103 - 144
Change of use to Short Term Let (in retrospect) – application no 22/06243/FULSTL
- (a) Decision Notice and Report of Handling
 - (b) Notice of Review and Supporting Documents
- Note: The applicant has requested that the review proceed on the basis of an assessment of the review documents only.
- 6.5** 12 Raeburn Mews, Edinburgh 145 - 162
Change of use from residential to short term let (in retrospect) – application no 23/01489/FULSTL
- (a) Decision Notice and Report of Handling
 - (b) Notice of Review and Supporting Documents
- Note: The applicant has requested that the review proceed on the

basis of an assessment of the review documents only.

- 6.6** 10 Inverleith Terrace Lane, Edinburgh 163 - 204
Change of use from dwelling to short-term let (in retrospect) – application no 22/03634/FUL

- (a) Decision Notice and Report of Handling
- (b) Notice of Review and Supporting Documents
- (c) Letters of Representation

Note: The applicant has requested that the review proceed on the basis of an assessment of the review documents, site inspection and a hearing.

- 6.7** 110 Spring Gardens, Edinburgh 205 - 228
To change the use of the existing flat to a flat for short-term letting – application no 23/00570/FULSTL

- (a) Decision Notice and Report of Handling
- (b) Notice of Review and Supporting Documents
- (c) Letters of Representation

Note: The applicant has requested that the review proceed on the basis of an assessment of the review documents only.

- 6.8** 4 Barony Place, Edinburgh 229 - 288
Change of use to a short term let during periods of non-occupation – application no 23/01383/FULSTL

- (a) Decision Notice and Report of Handling
- (b) Notice of Review and Supporting Documents
- (c) Letters of Representation

Note: The applicant has requested that the review proceed on the basis of an assessment of the review documents only.

7. Relevant Policies from the Edinburgh Local Development Plan

- 7.1** [National Planning Framework 4](#)
[Edinburgh Local Development Plan](#)

Hou 6 Affordable Housing
Hou 7 Inappropriate Uses in Residential Areas
Hou 8 Student Accommodation
Tra 2 Private Car Parking
Tra 3 Private Cycle Parking
Tra 4 Design of Off-Street Car and Cycle Parking

8. Non-Statutory Guidance

- 8.1 [Inverleith Conservation Area Character Appraisal](#)
[New Town Conservation Area Character Appraisal](#)
[Guidance for Businesses](#)
[Listed Buildings and Conservation Areas](#)

Note: The above policy background papers are available to view on the Council's website www.edinburgh.gov.uk under Planning and Building Standards/local and strategic development plans/planning guidelines/conservation areas, or follow the links as above.

Nick Smith

Service Director, Legal and Assurance

Membership Panel

Councillor Alan Beal, Councillor Chas Booth, Councillor Martha Mattos Coelho, Councillor Amy McNeese-Mechan and Councillor Joanna Mowat

Information about the Planning Local Review Body (Panel 2)

The City of Edinburgh Planning Local Review Body (LRB) has been established by the Council in terms of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008. The LRB's remit is to determine any request for a review of a decision on a planning application submitted in terms of the Regulations.

The LRB comprises a panel of five Councillors drawn from the eleven members of the Planning Committee. The LRB usually meets every two weeks, with the members rotating in two panels of five Councillors.

This meeting of the LRB is being held virtually by Microsoft Teams.

Further information

Members of the LRB may appoint a substitute from the pool of trained members of the Planning Committee. No other member of the Council may substitute for a substantive member. Members appointing a substitute are asked to notify Committee Services (as detailed below) as soon as possible

If you have any questions about the agenda or meeting arrangements, please contact Blair Ritchie, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 529 4085, email blair.ritchie@edinburgh.gov.uk.

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to the Council's online [Committee Library](#).

Live and archived webcasts for this meeting and all main Council committees can be viewed online by going to the Council's [Webcast Portal](#).

Unless otherwise indicated on the agenda, no elected members of the Council, applicant, agent or other member of the public may address the meeting.

Minutes

The City of Edinburgh Planning Local Review Body (Panel 2)

10.00 am, Wednesday 27 September 2023

Present: Councillors Beal, Booth, Mattos Coelho, McNeese-Mechan and Mowat.

1. Appointment of Convener

Councillor Booth was appointed as Convener.

2. Planning Local Review Body Procedure

Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted)

3. Minutes

To approve the minute of the Local Review Body (LRB Panel 1) of 30 August 2023 as a correct record.

4. Request for Review – 50 (Flat 1) Balfour Street, Edinburgh

Details were submitted of a request for review for change of use from residential to holiday short term let, (in retrospect) at Flat 1, 50 Balfour Street, Edinburgh.

Application Number. 22/05090/FULSTL.

Assessment

At the meeting on 27 September 2023, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice, the report of handling and further representations.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01,03, Scheme 1, being the drawings shown under the application reference number 22/05090/FULSTL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the NPF4 and Edinburgh Local Development Plan, principally:
 - Edinburgh Local Development Plan Policy Hou 7 (Inappropriate Uses in Residential Areas)
 - Edinburgh Local Development Plan Policy Tra 2 (Private Car Parking)
 - Edinburgh Local Development Plan Policy Tra 3 (Private Cycle Parking)
 - National Planning Framework 4 Policy 1 (Sustainable Places Tackling the climate and nature crises)
 - National Planning Framework 4 (Policy 30 (Tourism))
- 2) Relevant Non-Statutory Guidelines.
 - Guidance for Businesses
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- The applicant indicated that they never used the stairwell and there did not seem to be any external access to the flat.
- The porch area was illustrated which extended out on to the street. The main entrance was also illustrated. The applicant said they were on the ground floor and therefore did not use the stairs, they were only entering into the stairwell.
- One member asked about the applicant's statement and that the applicants said they were an elderly couple – should this be a consideration for the Panel?
- It was explained that in the applicant's supporting statement, the applicants stated that they would not be continuing with this short term let use beyond three years due to their age. Therefore, they would accept a 3 year consent.

- It was explained that, if granted, planning permission would be a personal consent to the applicants because of their circumstances and age. They wanted a temporary consent for a change of use and the property would be operating as a short term let for 3 years. The Panel would have to decide if it felt this was an appropriate use in this location.
- The applicants suggested that the property would be possibly for family use, but they would have income if it was used for a short term let - could this be clarified?
- It was confirmed that their statement stated that they and their family used this as a residence, and in between times it operated as a short term let.
- One member was content to uphold the officer's recommendations because of the information provided. This was an application for a change of use from residential to holiday short term let there was nothing in planning guidance about permitting a provisional change of use.
- If granted, the permission would be permanent and there was no way the Planning Authority could check the management of the property. The reasons for refusal were sound and the officer's decision to refuse the application should be upheld.
- There was agreement with this. One member was not comfortable with the idea that just because the applicant was elderly, it should be permitted for 3 years. This was a good area to live in and the officer's decision should be upheld.
- The suggested three year consent would be similar to a personal consent. Even if the property was well managed, if planning permission was granted, nothing could stop a less scrupulous operator taking over and that would impact on the amenity of neighbours. Therefore, the Panel should refuse the application.

Having taken all the above matters into consideration and although there was some sympathy for the applicant, the LRB were of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Decision

To uphold the decision by the Chief Planning Officer to refuse planning permission.

Reasons for Refusal:

1. The proposal was contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this property as a short stay let would have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal was contrary to National Planning Framework 4 Policy 30(e) in

respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short stay let would result in an unacceptable impact on local amenity and the loss of a residential property had not been justified.

(References – Decision Notice, Notice of Review, Report of Handling and supporting documents, submitted).

5. Request for Review – 63 Brunstane Road South (At Land 29 Metres East Of), Edinburgh

Details were submitted for a request for review for demolition of existing dilapidated buildings and erection of two houses with associated garages at Land 29 Metres East Of 63 Brunstane Road South, Edinburgh. Application No. 22/03084/FUL.

Assessment

At the meeting on 27 September 2023, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice, the report of handling and further representations.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01-05, Scheme 1, being the drawings shown under the application reference number 22/03084/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the NPF4 and Edinburgh Local Development Plan, principally:
 - Edinburgh Local Development Plan Policy Des 1 (Design Quality and Context)
 - Edinburgh Local Development Plan Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features)
 - Edinburgh Local Development Plan Policy Des 4 (Development Design - Impact on Setting)
 - Edinburgh Local Development Plan Policy Des 5 (Development Design - Amenity)
 - Edinburgh Local Development Plan Policy Des 7 (Layout design)
 - Edinburgh Local Development Plan Policy Del 1 (Developer Contributions and Infrastructure Delivery)

Edinburgh Local Development Plan Policy Env 21 (Flood Protection)

Edinburgh Local Development Plan Policy Hou 1 (Housing Development)

Edinburgh Local Development Plan Policy Hou 2 (Housing Mix)

Edinburgh Local Development Plan Policy Hou 3 (Private Green Space in Housing Development)

Edinburgh Local Development Plan Policy Hou 4 (Housing Density)

Edinburgh Local Development Plan Policy Hou 6 (Affordable Housing)

Edinburgh Local Development Plan Policy Tra 2 (Private Car Parking)

Edinburgh Local Development Plan Policy Tra 3 (Private Cycle Parking)

Edinburgh Local Development Plan Policy Tra 4 (Design of Off-Street Car and Cycle Parking)

National Planning Framework 4 Policy 1 (Sustainable Places Tackling the climate and nature crises)

National Planning Framework 4 Policy 2 (Climate mitigation and adaptation)

National Planning Framework 4 Policy 3 (Biodiversity)

National Planning Framework 4 Policy 4 (Natural Places)

National Planning Framework 4 Policy 7 (Historic Assets and Places)

National Planning Framework 4 Policy 9 (Brownfield, vacant and derelict land)

National Planning Framework 4 Policy 14 (Design, quality and place)

National Planning Framework 4 Policy 15 (Local Living and 20 minute neighbourhoods)

National Planning Framework 4 Policy 16 (Quality Homes)

National Planning Framework 4 Policy 20

National Planning Framework 4 Policy 22 (Flood risk and water management)

2) Relevant Non-Statutory Guidelines.

Listed Buildings and Conservation Areas

Edinburgh Design Guidance

Managing Change in the Historic Environment: Guidance on the principles of listed building consent.

Managing Change in the Historic Environment: Setting

- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- Clarification was requested about the phasing of the development. This was an application for the demolition of an existing dilapidated piggery building and the erection of two houses with associated garages. Was this a phased development site?
- The Planning Advisor explained that Affordable Housing (AH) in its consultation response referred to a 2019 planning consent for 10 houses, which fell below the threshold for affordable housing contributions. However, the 2019 application was originally for 19 units, and subsequently amended to 10 units in 2022. AH confirmed that this was the same applicant and landowner the site for the now proposed application shared the same access. AH stated that this was clearly a phased residential development with a total of 12 units, and no provision for affordable housing amounting to 25 % of these units had been made, in accordance with affordable housing policy.
- A Panel member queried that planning permission was granted to convert the steading and outbuildings to form 10 dwelling houses in 2006. Planning permission was then granted to vary this existing consent to provide two additional residential units, increasing the number of newly formed units from 10 to 12 in 2014. Why did AH not ask for contribution?
- The Planning Advisor explained that there was then a different Development Plan and AH policy. Now, it was being considered under current policies and guidance. The applicant argued that contributions should not be invoked as it was not a phased development. And even if it was considered to be a phased development the applicant was that one of the units from the 2014 consent had not been built and therefore one of the two now proposed units was already consented, so the total number of new units from the 2022 consent and the current proposal only amounted to 11 units, and therefore under the threshold for the affordable housing policy to be applied.
- The developer said that the current application was for only one additional unit, therefore, did this fall below the threshold? The Planning Advisor confirmed that the additional unit was part of wider site to the West and not to the East.
- Planning permission was granted for 10 houses in 2022, so was it the 2019 application that took three years to get to be concluded? It was confirmed that this was the case.

- That permission was granted to build one house, which was never built, but now they said if they built 2 houses, they could not afford to make an AH contribution.
- The developer claimed that the physical on-site contribution was impossible and the financial contribution would exceed the development value of the site. The Planning Advisor explained that the applicant was stating that on the basis of mathematics this was the case, there were 2 houses proposed and in terms of numbers, physically it could not be done, as affordable housing policy required a 25% provision.
- It was thought that AH asked for a commuted sum, they did not ask for a number on site. It was confirmed that one of the letters from AH recommended that a commuted sum was the most appropriate method of contribution. It would be calculated according to AH housing guidance.
- Whether the developer had submitted a surface water management plan and had they been asked for a commuted sum? The Planning Advisor confirmed that they had not submitted a surface water management plan. In terms of the Affordable Housing contribution, they had been asked for this, but were disputing that they should make an affordable housing contribution.
- The commuted sum would have to be prepared in accordance with the district value and the valuation and confirmation was sought as to whether this had been done and sent them. Was the information available about the figure for the commuted sum? The Planning Advisor advised that they did not know if the applicant had been sent this information.
- Regardless, the applicant was disputing the principle of making an affordable housing contribution.
- The proposal was contrary to LDP policy Hou 6 (Affordable Housing) as the application site formed part of a phased residential development of 12 units in total and no provision for affordable housing amounting to 25 % of these units had been made. Was there a definition of phased development? The applicant said it was not a phased development as they built the site over a number of years and there had been changes to the LDP during that time.
- It was confirmed there was not a definition of phased development and it was open to interpretation. There had been a number of changes to this development area over the preceding years, including changes to the greenbelt, and different policy and guidance.
- Whether the current LDP plan was implemented in 2016? The Planning Advisor confirmed that was the case.
- This application was in accordance with planning guidance except for AH policy. It was possible to regard this as phased development and there were two adjacent sites. It was under 20 units, therefore, the authority would be seeking a commuted sum. The Panel could agree this application subject to the commuted

sum being accepted and a water surface management plan being produced. Would this be competent?

- It was confirmed that the imposition of a condition regarding the provision of an affordable housing commuted sum may be inappropriate as the Panel would be giving consent, when it was understood that the applicant was disputing the requirement for an affordable housing contribution and this might not be forthcoming. A condition of this type would probably not be regarded as appropriate, enforceable and reasonable. However, the Panel could continue the application and ask for further information from the applicant about providing a commuted sum.
- The Panel required a commuted sum and the surface water management plan. To achieve this, continuation might be a more appropriate way forward. The applicant should be given the figures and have an opportunity to produce something more concrete. If this conformed to the policy, then consent might be granted, if it did not comply, then the application could be refused.
- If the Panel were to refuse this, the applicant could submit another application. Would the fee be waived if they did this? The Planning Advisor confirmed there would be no fee for the first return application for the site, but this needed to be submitted within one year of the refusal.
- There was concern that if the Panel approved this application, they might create a precedent for developers to build housing in sections to avoid their affordable housing contributions. Therefore, this should be continued to allow a commuted sum to be negotiated.
- The presentation of this application as being unrelated to the other buildings and not in phases did not stand up. It was not productive to continue for discussions for a commuted sum if the developer thought they should not pay this.
- It was agreed that this was part of a phased development and the affordable housing policy should be implemented. This policy was in place before the first application and 25% affordable housing was required. Significantly, the developer did not submit an agreement to a commuted sum. It was necessary to uphold the officer's recommendation and refuse the application.
- The applicant should make a contribution to affordable housing. The applicant's argument that this was not a phased development was not viable and they seemed to be trying to avoid their responsibilities. The city needed affordable housing and it was necessary to ensure that developers delivered on this. The applicant did not take that opportunity to engage on issue of the commuted sum. Therefore, the Panel should uphold officer's recommendations and refuse the application.
- It was thought to continue the application to allow the commuted sum to be worked out and for a surface water management plan to be submitted. The city

needed both affordable housing and housing of all types. There should be a message sent out that developers had responsibilities and should pay their dues and there was a development plan in place. However, there was also a need for new housing, so, the developers should be given the opportunity to take the correct action.

Having taken all the above matters into consideration and although there was some sympathy for the applicant and two of the members were in disagreement, the LRB were of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Motion

To uphold the decision by the Chief Planning Officer to refuse planning permission.

Reasons for Refusal:

1. The proposal was contrary to LDP policy Hou 6 (Affordable Housing) as the application site formed part of a phased residential development of 12 units in total and no provision for affordable housing amounting to 25 % of these units has been made.
2. The proposal was contrary to NPF 4 policy 16 e) (Quality Homes) as no contribution to the provision of affordable homes on the site for 25% of the total number of homes has been made.

- moved by Councillor McNeese-Mechan, seconded by Councillor Beal.

Amendment

To continue consideration of the application to allow a commuted sum to be worked out and for the applicant to provide a surface water management plan.

- moved by Councillor Mowat, seconded by Mattas Coelho.

Voting

For the Motion - 3

For the Amendment - 2

(For the Motion: Councillors Beal, Booth and McNeese-Mechan.)

(For the Amendment: Councillors Mattos Coelho and Mowat.)

Decision

To uphold the decision by the Chief Planning Officer to refuse planning permission.

Reasons for Refusal:

1. The proposal was contrary to LDP policy Hou 6 (Affordable Housing) as the application site formed part of a phased residential development of 12 units in total and no provision for affordable housing amounting to 25 % of these units has been made.

2. The proposal was contrary to NPF 4 policy 16 e) (Quality Homes) as no contribution to the provision of affordable homes on the site for 25% of the total number of homes has been made.

(Reference – Decision Notice, Notice of Review, Report of Handling and supporting documents, submitted)

6. Request for Review – 6 (Flat 12) Commercial Wharf, Edinburgh

Details were submitted for a request for review to allow permission to continue to use residential apartment for short-term letting at Flat 12, 6 Commercial Wharf, Edinburgh. Application No. 22/04892/FUL.

Assessment

At the meeting on 27 September 2023, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents and further written submission on specific matters. The LRB had also been provided with copies of the decision notice, the report of handling and further representations.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01A, 03, Scheme 1, being the drawings shown under the application reference number 22/04892/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the NPF4 and Edinburgh Local Development Plan, principally:
 - Edinburgh Local Development Plan Policy Hou 7 (Inappropriate Uses in Residential Areas)
 - Edinburgh Local Development Plan Policy Tra 2 (Private Car Parking)
 - Edinburgh Local Development Plan Policy Tra 3 (Private Cycle Parking)
 - National Planning Framework 4 Policy 1 (Sustainable Places Tackling the climate and nature crises)
 - National Planning Framework 4 Policy 7 (Historic Assets and Places)
 - National Planning Framework 4 (Policy 30 (Tourism))

2) Relevant Non-Statutory Guidelines.

Guidance for Businesses

Listed Buildings and Conservation Areas

Managing Change in the Historic Environment: Guidance on the principles of listed building consent.

Managing Change in the Historic Environment: Setting

3) The procedure used to determine the application.

4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- The applicant had referred to timescales and the reason for delay in the application to allow permission to continue to use the residential apartment for short-term letting being processed - could this be clarified?
- It was confirmed that the procedure for the application was not considered as part of the review. The applicant claimed that NPF4 came in to force after this application was made, it was unreasonable that these policies were being applied and the applicant claimed he had no opportunity to respond to this. However, the Panel was duty bound to consider the application under current legislation and the members had to take into account NPF4 as well as the Local Development Plan (LDP).
- LDP Policy Hou 7 was also a reason for refusal at the time of the application.
- There was some sympathy for the applicant regarding the delay for determination of the application, however there would be negative impact on the amenity of neighbours. Even if the Panel considered the LDP Plan only, the Panel would refuse the application as the property shared a main door entrance and staircase with the other flats in the block. Guidance was clear and the proposals would affect neighbouring amenity. The Panel was required to determine the application on the basis of current legislation, therefore, NPF4 Policy 30 e (ii) also applied.
- There was agreement with viewpoint. This was a residential neighbourhood and this was an example of a flat in a shared stair for which planning policies were applicable. Therefore, the Panel should agree to uphold the officer's recommendations and refuse the application.

Having taken all the above matters into consideration and although there was some sympathy, the LRB were of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Decision

To uphold the decision by the Chief Planning Officer to refuse planning permission.

Reasons for Refusal:

1. The proposal was contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this property as a short stay let would have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal was contrary to National Planning Framework 4 Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short stay let would result in an unacceptable impact on local amenity and the loss of a residential property had not been justified.

(References – Decision Notice, Report of Handling, Notice of Review and supporting documents, submitted).

7. Request for Review – 42 Ladysmith Road, Edinburgh

Details were submitted for a request for review for formation of an area of hard standing to accommodate a new driveway that will allow two cars to park parallel to one another. The driveway was paved with Tobermory Teguela Hydropave to provide a porous surface. (IN RETROSPECT) at 42 Ladysmith Road, Edinburgh. Application No. 22/05759/FUL.

Assessment

At the meeting on 27 September 2023, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice, the report of handling and further representations.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01 – 05, Scheme 1, being the drawings shown under the application reference number 22/05759/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the NPF4 and Edinburgh Local Development Plan, principally:
Edinburgh Local Development Plan Policy Des 1 (Design Quality and Context)
Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions
National Planning Framework 4 Policy 1 (Sustainable Places Tackling the climate and nature crises)
National Planning Framework 4 Policy 14 (Design, quality and place)
National Planning Framework 4 Policy 16 (Quality Homes)
- 2) Relevant Non-Statutory Guidelines.
Guidance for Householders
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- If the Panel was to refuse the application for the formation of an area of hard standing to accommodate a new driveway that would allow two cars to park parallel to one another, how long did the applicant have to rectify the situation and what would happen next?
- It was explained that if the Panel were to refuse the application, it would be passed to the Enforcement Team, who would start the enforcement process. Enforcement would decide what would be a reasonable time to rectify the situation and would serve an enforcement notice. The applicant would have the opportunity to appeal the Enforcement Notice.
- That the applicant had removed over 40 cubic meters of soil and vegetation. In doing this, they had installed Tobermory Teguela Hydropave paving, which was permeable and there was a lot less land to accommodate water overflow.
- It was confirmed that the surface area was not dissimilar, but the applicant had removed a substantial amount of depth, a big portion of the land had been removed, therefore, this would affect drainage.
- That this large structure had not been granted permission - it was a driveway that was previously granted permission.
- It was explained that it had previously been a car run-in for a single car that had been given planning permission.

- Regarding the enforcement process, had the applicant been given permission to carry out any works on this site and if it was upheld, would they have to return it to its original state.
- It was confirmed that in October 2022, there was a house extension with a car run and renewal of consent was granted. It was unclear if the extension had been implemented and if this was the case the applicant would potentially have a car run in perpetuity. However, in considering what was being presented, the Authority would require the land to be returned to its original form.
- It was thought that the extent of this work was significant and there was surprise that there were no comments from neighbours. It seemed to be a takeover of some of the public street. Additionally, it was wider than the original car run-in, there was concern about the amount of soil removed and about the impact of the water run off around neighbouring properties as Ladysmith Road. The Panel should uphold the officer's recommendations and the applicant should return the area to its original state, as closely as possible.
- One member agreed about the lack of letters from neighbours, who perhaps did not think the works would be issue. The Panel should uphold the officer's recommendations and refuse the application.
- There was agreement with this. The purpose of regulations was to prevent individuals from breaching planning policies, and these works were an example of this. There were also transport issues, the applicant had built this driveway without regard to policies and the Panel should uphold the decision for refusal.
- It was difficult when a property owner had commenced works and the enforcement process would be implemented, however, it was thought that this was an egregious intervention. The owner was not taking over the public street, as the works were in their front garden, however, they had installed a very visible run in. The Panel should uphold officer's recommendations and take enforcement action.
- There was agreement with this viewpoint. It would be disruptive and expensive to restore the situation, but this could have been remedied before the applicant carried out the works. There was sympathy regarding the expense to rectify their problem, but there were policies in place and the applicant should have submitted the application before carrying out to works.
- One member indicated that what they had previously referred to was not the excavation of the front garden, but to the wider access where there would be area where neighbours' vehicles would access. They did not refer to the depth of the works but the width.

Having taken all the above matters into consideration and although there was some sympathy for the applicant, the LRB were of the opinion that no material considerations

had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Decision

To uphold the decision by the Chief Planning Officer to refuse planning permission.

Reasons for Refusal:

1. The retrospective works did not comply with NPF4 Policy 16g as the works would have a detrimental effect on the character of the home and surrounding area; would not be acceptable in terms of size, design, and materials; and would have a detrimental effect on neighbouring properties.
2. The retrospective works did not comply with LDP policy Des 12 as the works would not be in keeping with the existing building or character of the wider area; would not be acceptable in terms of scale, form, design.
3. The retrospective works did not comply with NPF4 Policy 14c as the works would be poorly designed and inconsistent with the six qualities of successful places as the works did not retain the sense of place or sustainable environment of the area.
4. The retrospective works did not comply with LDP policy Des 1 as the works would be an inappropriate design which is damaging to the character and appearance of the surrounding area.
5. The retrospective works did not comply with the Guidance for Householders as the depth of the driveway is too shallow; the width of the access was too wide; and the distance from the junction was unsuitable.

(References – Decision Notice, Report of Handling, Notice of Review and supporting documents, submitted).

8. Request for Review – 21B Strathearn Road, Edinburgh

Details were submitted for a request for review for change of use from HMO to short-term let at 21B Strathearn Road, Edinburgh. Application No. 22/05083/FULSTL.

Assessment

At the meeting on 27 September 2023, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents and a site inspection. The LRB had also been provided with copies of the decision notice, the report of handling and further representations.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01 - 02, Scheme 1, being the drawings shown under the application reference number 22/05083/FULSTL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the NPF4 and Edinburgh Local Development Plan, principally:
 - Edinburgh Local Development Plan Policy Hou 7 (Inappropriate Uses in Residential Areas)
 - Edinburgh Local Development Plan Policy Tra 2 (Private Car Parking)
 - Edinburgh Local Development Plan Policy Tra 3 (Private Cycle Parking)
 - National Planning Framework 4 Policy 1 (Sustainable Places Tackling the climate and nature crises)
 - National Planning Framework 4 Policy 7 (Historic Assets and Places)
 - National Planning Framework 4 (Policy 30 (Tourism))
- 2) Relevant Non-Statutory Guidelines.
 - Guidance for Businesses
 - Listed Buildings and Conservation Areas
 - Marchmont, Meadows and Bruntsfield Conservation Area
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- Whether it could be confirmed that there was no access to the rear from this flat.
- It was confirmed that the statement from the applicant said there was little amenity space to the rear, so this would suggest they had access. Access was gained via a private front door entrance and stair. There seemed to be access to the exterior from the stairwell. The applicant indicated that there was a limited amount of amenity space. Regarding the back of the property, there was a small area of outdoor space at the rear, so there was access to external space.

- Reference was made to the retrospective nature of the application. The application was for retrospective planning permission for the change of use from residential (HMO) to short term let. It was explained that the property was previously an HMO.
- One member was curious about the access. The stair appeared to have access to that yard at back. Was it the case that these windows were looking in the yard were entirely from this property. It seemed that no one was overlooking it except people in this property,
- The first floor unit was the only one overlooking the rear. It was a two storey property. The property in question was a first story, four-bedroom flat, extending across the two buildings below. Due to its location, there might be some oblique angled views from the adjacent tenements. Directly overlooking that small space was the ground floor commercial units and the upper floor short term let.
- Whether on the front view there were commercial properties including a lawyer's office.
- It was confirmed that the property sat in a parade of commercial units. Access was gained via private front door entrance and stair.
- There was some sympathy for the applicant as the property was on a main road, located on a main route, with a number of neighbours. This was a quiet street, and the property was next door to residential properties. This proposal would remove a residential property from the housing stock and NPF4 30 (e) was relevant, and this was a predominantly residential area, LDP Policy Hou 7 should also apply. The panel should uphold the officer's recommendations and refused the application.
- It was thought this for this type of situation, it may be appropriate to allow the short term let for the reason that the main door did not share any access or share a garden with a terrace of a patio with residential property. Additionally, as this was a stone built building, the noise would be contained. People were unlikely to use the external yard, and this might not be the type of situation that would not have an adverse effect on the neighbours.
- The Panel had determined these in the past and there had been retrospective applications, but now there was a new system. There was evidence that there was disturbance to amenity from the letters of representation. Another concern was that this was an HMO, but HMO'S were residential properties and were providing affordable accommodation in the private sector. This was important to students and for people starting out renting. This property had operated for many years as an HMO, there was evidence of impact on residential amenity and the loss of HMO accommodation. The City needed this type of accommodation and the Panel should uphold the officer's recommendations and refuse the application.

- There was agreement with this viewpoint. It was clear from the comments that there was residential impact, there had been roof parties, and the case for amenity for neighbouring residential properties had been made. Planning guidance for short term lets indicated that a factor to be considered was the size of the property. This was a prime example of a flat that could use for as a party flat and which would disturb the neighbours. The Panel should uphold the officer's recommendation and refuse application.
- One member indicated that she was happy to go with the majority and agreed the need to retain HMO's.

Having taken all the above matters into consideration and although there was some sympathy for the applicant, the LRB were of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Decision

To uphold the decision by the Chief Planning Officer to refuse planning permission.

Reasons for Refusal:

1. The proposal was contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this dwelling as a short stay let would have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal was contrary to National Planning Framework Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short stay let would result in an unacceptable impact on local amenity and the loss of a residential property had not been justified.

(References – Decision Notice, Report of Handling, Notice of Review and supporting documents, submitted).

9. Request for Review – 3 (3F1) Warrender Park Terrace, Edinburgh

Details were submitted for a request for review for application for change of use from sui-generis flat to short-term let at 3F1, 3 Warrender Park Terrace, Edinburgh. Application No. 22/04952/FULSTL.

Assessment

At the meeting on 27 September 2023, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents and a site inspection. The LRB had also been provided with copies of the decision notice, the report of handling and further representations.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01, 02, being the drawings shown under the application reference number 22/04952/FULSTL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the NPF4 and Edinburgh Local Development Plan, principally:
 - Edinburgh Local Development Plan Policy Hou 7 (Inappropriate Uses in Residential Areas)
 - Edinburgh Local Development Plan Policy Tra 2 (Private Car Parking)
 - Edinburgh Local Development Plan Policy Tra 3 (Private Cycle Parking)
 - National Planning Framework 4 Policy 1 (Sustainable Places Tackling the climate and nature crises)
 - National Planning Framework 4 (Policy 30 (Tourism))
- 2) Relevant Non-Statutory Guidelines.
 - Guidance for Businesses
 - Listed Buildings and Conservation Areas
 - Managing Change in the Historic Environment: Guidance on the principles of listed building consent.
 - Managing Change in the Historic Environment: Setting
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- It was confirmed that no new information was to be considered.
- One member was confused as the application was for a change of use from residential to short term let (sui generis). It was residential use, therefore, why was sui generis a factor?

- It was explained that this was change of use from residential to short term let. A flat was defined in Scottish Government Planning Use Classes Order as sui generis, it was not a house, but the use was residential.
- One member agreed with the officer's recommendation to refuse the application. This could be busy stair and there was no wider economic benefit to change this property to a short term let.
- There was agreement with this viewpoint. Regarding the appeal, the applicant quoted the recent judicial review regarding the decision about the Council as a licencing authority, but the Panel was here to determine a planning application, as the planning authority. The guidance stated it was not appropriate to have a short term let in a flatted development, in most cases.
- To provide further clarification, reference was made to HMO's, which were dealt with by Licencing and there was a separate licensing regime. It was important to clarify that these were separate entities. Planning was about use, it was not about suitability, or management of the property. It had to be considered if this use was appropriate in this location, and the planning guidance was clear in this respect.
- The applicant had indicated that there were other HMO's in this stair. This area was a popular space for HMO's for student housing and there was a shortage of student housing. Therefore, the Panel should uphold the officer's recommendations and refuse the application.
- There was agreement with this viewpoint and it was agreed to uphold the officer's recommendations and refuse the application.

Having taken all the above matters into consideration, the LRB were of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Decision

To uphold the decision by the Chief Planning Officer to refuse planning permission.

Reasons for Refusal:

1. The proposal was contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this dwelling as a short stay let would have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal was contrary to National Planning Framework Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short stay let would result in an unacceptable impact on local amenity and the loss of a residential property had not been justified.

(References – Decision Notice, Report of Handling, Notice of Review, supporting documents and further representations, submitted).

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City of Edinburgh Planning Local Review Body (the LRB)

General

1. Each meeting of the LRB shall appoint a Convener. A quorum of a meeting of the LRB will be three members.
2. The Clerk will introduce and deal with statutory items (Order of Business and Declarations of Interest) and will introduce each request for review.
3. The LRB will normally invite the planning adviser to highlight the issues raised in the review.
4. The LRB will only accept new information where there are exceptional circumstances as to why it was not available at the time of the planning application. The LRB will formally decide whether this new information should be taken into account in the review.

The LRB may at any time ask questions of the planning adviser, the Clerk, or the legal adviser, if present.

5. Having considered the applicant's preference for the procedure to be used, and other information before it, the LRB shall decide how to proceed with the review.
6. If the LRB decides that it has sufficient information before it, it may proceed to consider the review using only the information circulated to it. The LRB may decide it has insufficient information at any stage prior to the formal decision being taken.
7. If the LRB decides that it does not have sufficient information before it, it will decide which one of, or combination of, the following procedures will be used:
 - further written submissions;
 - the holding of one or more hearing sessions; and/or
 - an accompanied or unaccompanied inspection of the land to which the review relates.
8. Whichever option the LRB selects, it shall comply with legislation set out in the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 (the Regulations).

The LRB may hold a pre-examination meeting to decide upon the manner in which the review, or any part of it, is to be conducted.

If the LRB decides to seek further information, it will specify what further information is required in a written notice to be issued to the applicant, Chief Planning Officer and any interested parties. The content of any further submissions must be restricted to the matters specified in the written notice.

In determining the outcome of the review, the LRB will have regard to the requirements of paragraphs 11 and 12 below.

9. The LRB may adjourn any meeting to such time and date as it may then or later decide.

Considering the Request for Review

10. Unless material considerations indicate otherwise, the LRB's determination must be made in accordance with the development plan that is legally in force. Any un-adopted development plan does not have the same weight but will be a material consideration. The LRB is making a new decision on the application and must take the 'de novo' approach.
11. The LRB will:
 - Identify the relevant policies of the Development Plan and interpret any provisions relating to the proposal, for and against, and decide whether the proposal accords with the Development Plan;
 - identify all other material planning considerations relevant to the proposal and assess the weight to be given to these, for and against, and whether there are considerations of such weight as to indicate that the Development Plan should not be given priority;
 - take into account only those issues which are relevant planning considerations;
 - ensure that the relevant provisions of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 are assessed when the review relates to a listed building and/or conservation area; and
 - in coming to a determination, only review the information presented in the Notice of Review or that from further procedure.
12. The LRB will then determine the review. It may:
 - uphold the officer's determination;
 - uphold the officer's determination subject to amendments or additions to the reasons for refusal;
 - grant planning permission, in full or in part;
 - impose conditions, or vary conditions imposed in the original determination;
 - determine the review in cases of non-determination.

Procedure after determination

13. The Clerk will record the LRB's decision.
14. In every case, the LRB must give notice of the decision ("a decision notice") to the applicant. Every person who has made, and has not withdrawn, representations in respect of the review, will be notified of the location where a copy of the decision notice is available for inspection. Depending on the decision, the planning adviser may provide assistance with the framing of conditions of consent or with amended reasons for refusal.
15. The Decision Notice will comply with the requirements of regulation 22.
16. The decision of the LRB is final, subject to the right of the applicant to question the validity of the decision by making an application to the Court of Session. Such application must be made within 6 weeks of the date of the decision. The applicant will be advised of these and other rights by means of a Notice as specified in Schedule 2 to the regulations.

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Mr Smith.
1 Pleasance Way
Manby
Louth
LN11 8HJ

Decision date: 5 July 2023

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Change of use from main residence to short-term letting (in retrospect).
At 16 South Scotstoun South Queensferry EH30 9YD

Application No: 23/01980/FULSTL

DECISION NOTICE

With reference to your application for Planning Permission STL registered on 26 May 2023, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

Reason for Refusal:-

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this property as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal is contrary to National Planning Framework 4 Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short stay let will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01-04, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The change of use of this property to a short term let (STL) will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of visitor accommodation, in this case it does not outweigh the adverse impact on neighbouring amenity or loss of residential accommodation.

The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Craig Turnbull directly at craig.turnbull@edinburgh.gov.uk.



Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at www.eplanning.scot or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email localreviewbody@edinburgh.gov.uk.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

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Report of Handling

**Application for Planning Permission STL
16 South Scotstoun, South Queensferry, EH30 9YD**

Proposal: Change of use from main residence to short-term letting (in retrospect).

**Item – Local Delegated Decision
Application Number – 23/01980/FULSTL
Ward – B01 - Almond**

Recommendation

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

Summary

The change of use of this property to a short term let (STL) will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of visitor accommodation, in this case it does not outweigh the adverse impact on neighbouring amenity or loss of residential accommodation.

The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

SECTION A – Application Background

Site Description

The property comprises a two-bedroom terraced residential property at 16 South Scotstoun, South Queensferry. It can be accessed from a main door at the front of the property which faces east onto Provost Milne Grove and via the rear garden to a back door entrance on South Scotstoun.

The surrounding area is characterised by similar terraced and semi-detached residential property which form a residential neighbourhood.

Description Of The Proposal

The application seeks permission to change the use of the property from residential to short-term letting (sui generis). No internal or external physical changes to the property are proposed.

Supporting Information

None.

Relevant Site History

No relevant site history.

Other Relevant Site History

No other relevant site history.

Consultation Engagement

No consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 5 July 2023

Date of Advertisement: Not Applicable

Date of Site Notice: Not Applicable

Number of Contributors: 1

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

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 policies to be considered are:

- NPF4 Sustainable Places Policy 1.
- NPF4 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 (2023) 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 property has its own main door access and a private garden area to the front and rear of the building. The site is located within a quiet residential area with a low degree of activity in the immediate vicinity of the property.

The use of the property as an STL would introduce an increased frequency of movement to the property. The proposed STL use would enable visitors to arrive and stay at the premises for a short period of time on a regular basis throughout the year in

a manner dissimilar to that of permanent residents. There is no guarantee that guests would not come and go frequently throughout the day and night, and transient visitors may have less regard for neighbours' amenity than individuals using the property as a principal home.

The additional servicing that operating a property as an STL requires compared to that of a residential use is also likely to result in an increase in disturbances, further impacting on neighbouring amenity.

This would be significantly different from the ambient background noise that neighbouring residents might reasonably expect and will have an unacceptable effect on the living conditions and amenity of nearby residents. The proposal does not comply with NPF 4 policy 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.

The applicant has not provided a planning statement or any evidence of demonstrable economic benefits associated with the use of this property as an STL.

Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. The use of the property by guests and the required maintenance and upkeep of STL properties are likely to result in a level of job creation and spend within the economy which can be classed as having an economic benefit.

The use of the property as an STL would result in a loss of residential accommodation, which given the recognised need and demand for housing in Edinburgh is important to retain, where appropriate.

Furthermore, residential occupation of the property also contributes to the economy, in terms of providing a home and the spend in relation to the use of the property as a home, including the use of local services and resultant employment, as well as by making contributions to the local community.

In this instance, it has not been sufficiently demonstrated that the loss of the residential accommodation is outweighed by demonstrable local economic benefits. As such, the proposal does not comply with NPF 4 30(e) part (ii).

Parking Standards

There is an allocated private car parking space which lies at the rear of the property. There is no requirement for cycle parking for STLs. Cycles could be parked inside the back garden of the property. The proposals comply with LDP Policies Tra 2 and Tra 3.

Conclusion in relation to the Development Plan

The change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been

justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation in this case it does not outweigh the adverse impact on residential amenity or the loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7.

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

A summary of the representations is provided below:

material considerations

-None.

non-material considerations

-Objection without any reason.

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 change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity or the loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reason for Refusal

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this property as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal is contrary to National Planning Framework 4 Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short stay let will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 26 May 2023

Drawing Numbers/Scheme

01-04

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Craig Turnbull, Assistant Planning Officer
E-mail: craig.turnbull@edinburgh.gov.uk

Appendix 1

Consultations

No consultations undertaken.

Application Certification Record

Case Officer

I have assessed the application against the City of Edinburgh Council's Scheme of Delegation (2023) Appendix 6 – Chief Planning Officer and the Statutory Scheme of Delegation (2023) and can confirm the application is suitable to be determined under Local Delegated Decision, decision-making route.

Case Officer: Craig Turnbull

Date: 4 July 2023

Authorising Officer

To be completed by an officer as authorised by the Chief Planning Officer to determined applications under delegated powers.

I can confirm that I have checked the Report of Handling and agree the recommendation by the case officer.

Authorising Officer (mRTPI): Elizabeth McCarroll

Date: 4 July 2023

Comments for Planning Application 23/01980/FULSTL

Application Summary

Application Number: 23/01980/FULSTL

Address: 16 South Scotstoun South Queensferry EH30 9YD

Proposal: Change of use from main residence to short-term letting (in retrospect).

Case Officer: Improvement Team

Customer Details

Name: Miss Kara Service

Address: 14/6 South Scotstoun South Queensferry

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this property becoming a short term let

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100636324-002

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Paul"/>	Building Number:	<input type="text" value="1"/>
Last Name: *	<input type="text" value="Smith"/>	Address 1 (Street): *	<input type="text" value="Pleasance Way, Manby"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Louth, Lincolnshire"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="LN11 8HJ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

City of Edinburgh Council

Full postal address of the site (including postcode where available):

Address 1:

16 SOUTH SCOTSTOUN

Address 2:

SCOTSTOUN

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

SOUTH QUEENSFERRY

Post Code:

EH30 9YD

Please identify/describe the location of the site or sites

Northing

677398

Easting

313413

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Proposal to allow property to be used for short term let, this was my main residence since but for work reasons i had to move to England, I still use the residence regularly when I am in Scotland about 3 months of the year and it will become my main residence again once work permits or I finish work (latest 5 years time). In the mean time i wish to continue to use as a short term let when i am not using the property and need to seek planning permission for this to apply for a STL licence

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

This was my main residence but had to move for work, it will be again once work permits me to move back from England House is used by us for at least 3 months of the year, so long term let not viable Have used as airbnb for 1 year without issue, but now need licence Neighbours either side have no issue and we employ one to maintain the surroundings. We only allow our 1 dedicated parking space to be used. Max 4 stay As not always booked impact to area is less than me using it full time

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Statement of support from Immediate neighbours 17 and 15 south Scotstoun

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

23/01980/FULSTL

What date was the application submitted to the planning authority? *

09/05/2023

What date was the decision issued by the planning authority? *

05/07/2023

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Paul Smith

Declaration Date: 25/07/2023

Grant Forrester
17 South Scotstoun
South Queensferry
EH30 9YD
24/07/2023

To whom it may concern

I have been approached by my immediate neighbour with regards to them using their house as an Airbnb short term let when they are not using it. They have been doing this for a number of months now and I have no concerns. Having lived here for nearly 30 years I have seen no adverse impact on the surrounding area.

I know they only use the house a couple of months a year, but as the house is in the middle of a row of terraced houses, I actually like the fact that by short term letting the property they need to keep the house and surroundings to a good and safe standard and have heating running in winter etc, so it will not cause issues to the houses neighbouring them. Personally, I think this is much better than having the house sit empty for large parts of the year when my neighbours are not using it.

I also know the neighbours to the other side of the house, Robbie Cairns, and have spoken with them and they also have no concerns and think this should be approved.

I hope this letter helps towards their review of the application on refusal.

Many Thanks

A solid black rectangular box used to redact the signature of Grant Forrester.

(G FORRESTER)

Dr Hazel Adams.
4A Priestfield Road
Edinburgh
EH16 5HH

Decision date: 16 May 2023

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013

Change of use to short term let (in retrospect).
At GF 4 Priestfield Road Edinburgh EH16 5HH

Application No: 22/05694/FULSTL

DECISION NOTICE

With reference to your application for Planning Permission STL registered on 16 November 2022, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

Reason for Refusal:-

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this property as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal is contrary to National Planning Framework 4 Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short stay let will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01A, 02, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The proposal complies with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will not harm the listed building or its setting.

The change of use of this property to a short term let (STL) will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Lesley Porteous directly at lesley.porteous@edinburgh.gov.uk.



Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at www.eplanning.scot or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email localreviewbody@edinburgh.gov.uk.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

∴

Report of Handling

**Application for Planning Permission STL
GF, 4 Priestfield Road, Edinburgh**

Proposal: Change of use to short term let (in retrospect).

**Item – Local Delegated Decision
Application Number – 22/05694/FULSTL
Ward – B15 - Southside/Newington**

Recommendation

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

Summary

The proposal complies with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will not harm the listed building or its setting.

The change of use of this property to a short term let (STL) will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

SECTION A – Application Background

Site Description

The application site is a two bedroom flat on the ground floor of a converted house at 4 Priestfield Road, Newington. The property shares a vestibule with the property on the first floor. The street is predominantly residential, comprising two storey terraced villas. There are several guest houses in the street.

The building is 'C' listed (LB 43617, dated 29.3.96)

Description Of The Proposal

The application is for a change of use from residential to short term let (sui-generis). No internal or external physical changes are proposed. The applicant has advised that the

property has been used as a short term let since 2021. Therefore, the application is retrospective.

Supporting Information

National Planning Framework 4 - Planning Statement.

Relevant Site History

No relevant site history.

Other Relevant Site History

No other relevant planning site history.

Consultation Engagement

No consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 16 May 2023

Date of Advertisement: Not Applicable

Date of Site Notice: Not Applicable

Number of Contributors: 1

Section B - Assessment

Determining Issues

Due to the proposals relating to a listed building(s), this report will first consider the proposals in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development harming the listed building or its setting?
- 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 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

a) The proposals harm the listed building and its setting?

The following HES guidance is relevant in the determination of this application:

- Managing Change in the Historic Environment: Guidance on the principles of listed buildings.
- Managing Change in the Historic Environment: Setting.

Managing Change in the Historic Environment: Interim Guidance on the principles of listed building consent sets out the principles for assessing the impact of a development on a listed building.

Managing Change in the Historic Environment: Setting sets out the principles that apply to developments affecting the setting of historic assets or places including listed buildings and conservation areas. It includes factors to be considered in assessing the impact of a change on the setting.

There are no external or internal alterations proposed. As such, the proposal will not have an adverse impact on or cause harm to the listed building. The setting of the listed building and the setting of neighbouring listed buildings will be unaffected by the proposal.

Conclusion in relation to the listed building

The proposal harms neither the listed building, its setting or the conservation area. It is therefore acceptable with regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act.

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 policies to be considered are:

- NPF4 Sustainable Places Policy 1.
- NPF4 Historic Assets and Places Policy 7.
- NPF4 Productive Places Tourism Policy 30.

- LDP Housing Policy Hou 7.
- LDP Transport Policies Tra 2 and Tra 3.

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering historic assets.

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

Listed Buildings

There are no external or internal works proposed and as such there will not be a significant impact on historic assets and places. The proposal complies with NPF 4 Policy 7.

Proposed Use

With regards to NPF 4 Policy 1, the proposals do not involve operational development. 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 relate to STL proposals.

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

The non-statutory Guidance for Businesses (2023) 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 application property shares a vestibule with the flat above and is in a predominantly residential area.

The use of the property as an STL would introduce an increased frequency of movement to the property. The proposed two bedroom STL use would enable visitors to arrive and stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents. There is no guarantee that guests would not come and go frequently throughout the day and night, and transient visitors may have less regard for neighbours' amenity than individuals using the property as a principal home. The occupant of the flat above has submitted a comment in support of the application. However, there is no planning control over that property being sold to another party.

The additional servicing that operating a property as an STL requires compared to that of a residential use is also likely to result in an increase in disturbance, further impacting on neighbouring amenity. However, this would be of lesser impact as it is likely that servicing would be conducted during the daytime.

The potential for noise to be generated as described, would be significantly different from the ambient background noise that neighbouring residents might reasonably expect and will have a significantly detrimental effect on the living conditions and amenity of nearby residents. The proposal does not comply with NPF 4 policy 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.

Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. The use of the property by guests and the required maintenance and upkeep of STL properties are likely to result in a level of job creation and spend within the economy which can be classed as having an economic benefit.

The applicant provided a planning statement addressing the NPF 4 policies. The statement lists the ways in which the applicant offers direct employment (cleaning company, use of local laundry, employing a property manager) and confirms that they encourage guests to use local businesses.

The application property is a residential unit and the current lawful use of the property is for residential accommodation. Consequently, the use of the property as an STL would result in a loss of residential accommodation, which given the recognised need and demand for housing in Edinburgh is important to retain, where appropriate.

Further, it is important to recognise that residential occupation of the property contributes to the economy, in terms of providing a home and the spend in relation to the use of the property as a home, including the use of local services and resultant employment, as well as by making contributions to the local community.

In this instance, it has not been sufficiently demonstrated that the loss of the residential accommodation is outweighed by demonstrable local economic benefits. As such, the proposal does not comply with NPF 4 30(e) part (ii).

Car Parking

There is no parking available at the property. There is no requirement for cycle parking for STLs. Cycles could be parked inside the property.

The proposals comply with LDP Policies Tra 2 and Tra 3.

Conclusion in relation to the Development Plan

The change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation in this case it does not outweigh the adverse impact on residential amenity. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7.

c) 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

A summary of the representations is provided below:

non-material considerations - in support
- no objection to the proposal

Conclusion in relation to identified material considerations

The proposals do not raise any issues in relation to other material considerations identified.

Overall conclusion

The proposal complies with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will not harm the listed building or its setting.

The change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation in this case it does not outweigh the adverse impact on residential amenity. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

Reasons

Reason for Refusal

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this property as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal is contrary to National Planning Framework 4 Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short stay let will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 16 November 2022

Drawing Numbers/Scheme

01A, 02

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Lesley Porteous, Planning Officer
E-mail: lesley.porteous@edinburgh.gov.uk

Appendix 1

Consultations

No consultations undertaken.

4b Priestfield Road
Edinburgh
EH16 5HH

24th October 2022

Dear Sir/Madam

Re- Application for short terms lets at 4a Priestfield Road.

I own and live in 4b: the flat above 4a which is on the ground floor of the property. I have no objection to the proposal of short term lets being offered in the ground floor flat.

Yours sincerely

Dr. Harriet Runcie
(signed electronically)

Dr. Harriet Runcie

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100637588-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Dr"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Hazel"/>	Building Number:	<input type="text" value="4A"/>
Last Name: *	<input type="text" value="Adams"/>	Address 1 (Street): *	<input type="text" value="Priestfield Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input style="background-color: black; color: black;" type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH16 5HH"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input style="background-color: black; color: black;" type="text"/>		

Site Address Details

Planning Authority:

City of Edinburgh Council

Full postal address of the site (including postcode where available):

Address 1:

GF

Address 2:

4 PRIESTFIELD ROAD

Address 3:

PRESTONFIELD

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH16 5HH

Please identify/describe the location of the site or sites

Northing

671959

Easting

327153

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Change of use to short term let

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

There is no adverse impact on local amenities or character. The area is mixed housing including hotels and businesses. There have been no complaints about the property and our neighbours use the facility. We produce a leaflet for clients encouraging the use of local amenities including restaurants and shops and know they do. 5 local staff are employed along with a business managing the flat and all will go without planning permission There is no loss of residential property

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Response to National Planning Framework 4 policy 30e and Local plan Policy Hou7

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

22/05694/FULSTL

What date was the application submitted to the planning authority? *

16/11/2022

What date was the decision issued by the planning authority? *

16/05/2023

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

It does not appear that there is an understanding of the area. Visiting the site will clarify the mixed nature of the area with all the local businesses and just how busy the road is.

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Dr Hazel Adams

Declaration Date: 07/08/2023

National Planning Framework 4 Policy 30e

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 benefit

Policy Hou 7

Inappropriate Uses in Residential Areas Developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted.

The change of use has been in effect for some time and no further changes are expected. Thus there cannot be anything that would or will have a detrimental effect on the living conditions of my neighbours. I have never had one single complaint and my neighbours use the short term let for their own guests. The servicing of the flat immediately after guests leave creates no more disturbance than ordinary use: my neighbours, for example, go in and out several times a day to walk their dog, this compares with one visit by the cleaners every few days. There has never been a problem with noise and to say there might be is entirely speculative. The flat is not in an area where anyone goes in and out at night.

What materially detrimental effect do you consider there would be? Please define in your response, as mere opinion is not satisfactory. Commenting on noise or visitors coming and going is entirely supposition without evidence on your part.

My opinion might differ from yours and therefore I expect a clear understanding of changes that you consider would be detrimental rather than an indefinite opinion, provided without any evidence that the change of use outweighs the loss of residential accommodation.

234 The intention of the policy is firstly, to preclude the introduction or intensification of non-residential uses incompatible with predominantly residential areas and secondly, to prevent any further deterioration in living conditions in more mixed use areas which nevertheless have important residential functions. This policy will be used to assess proposals for the conversion of a house or flat to a House in Multiple Occupation (i.e. for five or more people). Further advice is set out in Council Guidance

The flat is in a mixed use area with: the golf course, the tennis courts, numerous hotels, including Prestonfield Hotel which generates a huge amount of traffic, B and B's, a doctors' surgery and a nursery in the next road.

As above no 'further deterioration' will occur as the short term let has been going for some time and there has been no deterioration in the past. The flat is beautifully kept and a gardener is employed to maintain the garden. No-one around has ever had a problem with it and my neighbours use it. The nearby flats used as long term let properties have gardens that are untended and there is constant rubbish and fly tipping by the bins. The residents do

not contribute to the local community - one hopes they are at work, or at college but they appear to have no loyalty to the local area.

The road should be a quiet road. Unfortunately it is used as a short cut by lorries and coaches which turn left off of Dalkeith Road and thunder down the road. Moreover coaches are able to use the road in the opposite direction due to ill thought out restrictions at the other end of Prestonfield road. These plans were intended to stop this but have failed totally. If you are going to argue that anything is detrimental to living in Priestfield Road then the rat run traffic is the real problem and I should be grateful if you would turn your attention to this which is indeed a problem.

The Council Advice

In September last year, the City of Edinburgh Council became the first short term let control area in Scotland.

[This means that planning permission is required to offer a flat or a house for a short term let that is not the home you live in.](#)

Following a 12 week consultation last year, updated non-statutory Guidance for Businesses in relation to those operating short term lets and those involved in the tourism industry, was agreed today (Wednesday, 19 April) by the local authority's Planning Committee.

[The report discussed today](#) and the **updated guidance below** was agreed taking account of an Amendment from the Green Party.

Short Term Let Accommodation

Applications for a change of use to short term let accommodation will be assessed and determined against the development plan, both with respect to LDP policy Hou 7 and National Planning Framework 4 (NPF 4) policy 30(e), and material considerations.

The table below principally provides guidance in respect of LDP Policy Hou 7. It may also provide some assistance in considering NPF 4 Policy 30 (e) (i). This table is not relevant to the consideration of NPF 4 Policy 30 (e) (ii).

Where the location is predominantly commercial in character and there are no residential properties in nearby, adverse impacts on amenity are less likely. This means it is more likely short-term lets (STLs) can be supported in such locations.

N/A - there are some residential properties

Where the location is mixed in character (residential / commercial) regard will be had to the nature of surrounding uses and the proximity of the proposal site to residential properties. Where there is likely to be a further deterioration on residential amenity in such mixed areas, it is unlikely that short term let proposals will be supported.

The nature of the surrounding uses is described as above. Next door is residential but next door but one on both sides is commercial at the moment. Please define clearly what further deterioration prevented planning permission to be given. There was and will be none.

Where the street has a quiet nature or low ambient noise levels (particularly at night-time), STL will not generally be supported. No weight will be given to the existence of neighbouring unlawful STLs as justification for the grant of planning permission for an STL.

I should be very grateful if the council would address the problem of the traffic described above. This is a real noise and pollution problem. No noise comes from the flat.

The Planning service will assess the merits of any proposal against its impact on the lawful planning use of nearby properties. Where the area is wholly residential, it is unlikely that short-term let proposals will be supported.

It is not wholly residential. Far from it.

The size of the property.

Larger properties can have a greater capacity for guests. Where there are greater numbers of guests, there is increased potential for noise and disturbance. Both the number and size of rooms will be taken into account when considering this.

There is one large bedroom and one small bedroom

If the property is accessed off a stair where there are other flats off that stair, it is very unlikely that a change of use will be supported. This is because it has been found that existing residents of flats within stairs are particularly affected by the pattern of activity which often results from STL use where multiple sets of guests stay for short periods of time throughout the year. Guests of the short-term let properties can arrive late at night and make noise and cause disturbance in a way which residents of that stair would not, given they will know of the impacts that they have on one another and be able to manage those impacts in a neighbourly way. Examples of disturbance include bumping suitcases up stair and using washing machines in the middle of the night.

It is not accessed off a stair.

If the property does have its own main door access regard must be had to the other criteria within this table.

Comments on the other criteria have been made as above

Planning permission is granted to property rather than individuals, which means that property can change hands and be operated in a different way than was intended by the applicant for planning permission. Because of this, when considering the pattern of activity associated with a use, only limited regard can be had to how an applicant intends to manage that.

It should be noted that licensing of STLs is separate from the planning system.

Noted.

The nature and character of any services provided.

Where there is access to a communal garden which can be used by existing residential properties, or where there is a garden that would form part of the curtilage of an STL and would be in close proximity to residential gardens, STLs will generally not be supported. Where parking is provided,

this will be considered within the context of the Council's parking policies and guidance.

There is no communal garden and the garden (A front garden) is not in close proximity to other gardens.

Parking is unrestricted 20 meters away.

The flat is supported by a manager, two cleaners, a gardener and a window cleaner all of whom are local. Guests use the local restaurant and 'corner' shop and I use the local one woman laundry. This employment will all go if planning permission is declined and if that does not constitute a local deterioration then I don't know what does. The cleaners if they lose other work will have to go on benefits and a business will be lost. Long term residents do not spend that much on maintenance and in the local shops - they all go to Cameron Toll. Guests spend money on taxis and buses and of course in Edinburgh city. Where are the visitors I have, who are performers at the festival or visiting academics being near to the university and halls, going to stay? You have provided no evidence whatsoever that the loss of this accommodation is less important than the presumed local deterioration. This flat would never be amenity or low cost housing nor would it be suitable for a family, the evidence for which is provided by the residents of similar flats.

Mr Munn
Flat 125 Venice Corte
2 Elmira Street
London
E13 7FQ

Decision date: 4 July 2023

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Change of use from residential to short term let (in retrospect).
At 2F3 46 Cockburn Street Edinburgh EH1 1PB

Application No: 23/01450/FULSTL

DECISION NOTICE

With reference to your application for Planning Permission STL registered on 5 April 2023, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

Reason for Refusal:-

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this dwelling as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal is contrary to National Planning Framework Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short stay let will result in an unacceptable impact of local amenity and the loss of a residential property has not been justified.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01 - 02, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The proposal complies with sections 64 and 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve or enhance the character or appearance of the conservation area and does not harm the character of the listed building, its setting, or the setting of neighbouring listed buildings.

The change of use of this property to a Short Term Let (STL) will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity or loss of residential accommodation.

The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Sean Christie directly at sean.christie@edinburgh.gov.uk.



Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at www.eplanning.scot or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email localreviewbody@edinburgh.gov.uk.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

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Report of Handling

**Application for Planning Permission STL
2F3 46 Cockburn Street, Edinburgh, EH1 1PB**

Proposal: Change of use from residential to short term let (in retrospect).

**Item – Local Delegated Decision
Application Number – 23/01450/FULSTL
Ward – B11 - City Centre**

Recommendation

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

Summary

The proposal complies with sections 64 and 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve or enhance the character or appearance of the conservation area and does not harm the character of the listed building, its setting, or the setting of neighbouring listed buildings.

The change of use of this property to a Short Term Let (STL) will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity or loss of residential accommodation.

The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

SECTION A – Application Background

Site Description

The property comprises one-bedroom, second floor flatted dwelling at 46 Cockburn Street in the Old Town. The property is accessed via shared stairwell. The surrounding area is mixed use with commercial units at street level (including shops, cafes, restaurant and bars) and residential properties located above. Cockburn Street has a high level of pedestrian activity and is busy during the day and night.

The site is located within the Old Town Conservation Area and the Old and New Towns of Edinburgh World Heritage Site. The application property forms part of a Category B listed building - 42-46 (Even Nos) Cockburn Street, LB30091, 12/12/1974.

Description Of The Proposal

Planning permission is sought for the retrospective change of use from residential to short term let (sui generis). No internal or external changes to the property are proposed.

Supporting Information

- NPF4 Supporting Planning Statement

Relevant Site History

No relevant site history.

Other Relevant Site History

No other relevant site history.

Consultation Engagement

No consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 6 April 2023

Date of Advertisement: 14 April 2023

Date of Site Notice: 14 April 2023

Number of Contributors: 5

Section B - Assessment

Determining Issues

Due to the proposals relating to a listed building(s) and being within a conservation area, this report will first consider the proposals in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- a) Is there a strong presumption against granting planning permission due to the proposals:
 - (i) harming the listed building or its setting? or
 - (ii) conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?

- b) 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 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

a) The proposals harm the listed building and its setting?

The following HES guidance is relevant in the determination of this application:

- Managing Change in the Historic Environment: Guidance on the principles of listed buildings
- Managing Change in the Historic Environment: Setting

Managing Change in the Historic Environment: Interim Guidance on the principles of listed building consent sets out the principles for assessing the impact of a development on a listed building.

Managing Change in the Historic Environment: Setting sets out the principles that apply to developments affecting the setting of historic assets or places including listed buildings and conservation areas. It includes factors to be considered in assessing the impact of a change on the setting.

There are no external or internal alterations proposed. As such, the proposal will not have an adverse impact on or cause harm to the listed building. The setting of the listed building and the setting of neighbouring listed buildings will be unaffected by the proposal.

Conclusion in relation to the listed building

The proposal does not harm the character of the listed building, or its setting. It is therefore acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) The proposals harm the character or appearance of the conservation area?

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states: "In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The Old Town Conservation Area Character Appraisal emphasises the survival of the original medieval street pattern; the wealth of important landmark buildings; the survival of an outstanding collection of archaeological remains, medieval buildings, and 17th-century town houses; the consistent and harmonious height and mass of buildings; the importance of stone as a construction material for both buildings and the public realm; the vitality and variety of different uses; and the continuing presence of a residential community.

There are no external changes proposed. The change of use from a residential premises to a short term let will not have any material impact on the character of the conservation area. The change of use would preserve 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.

c) 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 policies to be considered are:

- NPF4 Sustainable Places Policy 1.
- NPF4 Historic Assets and Places Policy 7.
- NPF4 Productive Places Tourism Policy 30.
- LDP Housing Policy Hou 7.
- LDP Transport Policies Tra 2 and Tra 3.

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering historic assets.

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

Listed Building, Conservation Area and World Heritage Site

There are no external or internal works proposed and as such there will not be a significant impact on historic assets and places. The proposal complies with NPF 4 Policy 7.

Proposed Use

With regards to NPF 4 Policy 1, the proposals do not involve operational development and therefore, 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 (2023) 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 area surrounding the application property comprises a mix of commercial and residential uses. There is a high degree of pedestrian activity in the immediate vicinity of the property. The flat is accessed via a communal stairway which serves several other residential units.

The applicant's supporting planning statement asserts that the property is well maintained and that there have been no previous complaints from local residents.

The use of the property as an STL would, however, introduce an increased frequency of movement to the property and into the communal stair. The proposed STL use would enable visitors to arrive and stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents. There is no guarantee that guests would not come and go frequently throughout the day and night, and transient visitors may have less regard for neighbours' amenity and the security of shared spaces than individuals using the property as a principal home. This may impact upon other residents' sense of wellbeing.

The additional servicing that operating a property as an STL requires compared to that of a residential use is also likely to result in an increase in disturbances, further impacting on neighbouring amenity.

This would be significantly different from the ambient background noise that neighbouring residents might reasonably expect and will have an unacceptable effect

on the living conditions and amenity of nearby residents. The proposal does not comply with NPF 4 policy 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 property this will only be supported where the loss is outweighed by demonstrable local economic benefits.

Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. The use of the property by guests and the required maintenance and upkeep of STL properties are likely to result in a level of job creation and spend within the economy which can be classed as having an economic benefit.

The applicant's supporting planning statement asserts that economic benefit is generated from visitor spend and through the employment of a local operator to manage the property.

However, the use of the property as an STL would result in the loss of residential accommodation, which given the recognised need and demand for housing in Edinburgh, is important to retain where appropriate.

Furthermore, residential occupation of the property also contributes to the economy, in terms of providing a home and the spend in relation to the use of the property as a home, including the use of local services and resultant employment, as well as by making contributions to the local community.

In this instance it has not been sufficiently demonstrated that the loss of the residential accommodation is outweighed by demonstrable local economic benefits arising from the STL use. As such, the proposal does not comply with NPF 4 30(e) part (ii).

Parking Standards

There are no parking requirements for STLs. Cycles could be parked inside the property. The proposals comply with LDP Policies Tra 2 and Tra 3.

Conclusion in relation to the Development Plan

The change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation in this case it does not outweigh the adverse impact on residential amenity. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7.

d) 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

Five public representations were received (all objections), including one from the Old Town Community Council and one from the Tollcross Community Council. A summary of the representations is provided below:

material considerations

- Negative impacts on residential amenity due to noise, disturbance and anti-social behaviour. Addressed in part c).
- Negative impacts relating to other residents' security and the maintenance of shared spaces. Addressed in part c).
- Issues relating to waste disposal procedure. The applicant would have to agree to a waste strategy with CEC Waste Services.
- Negative impact on the sense of place and community. Addressed in part c).
- Negative impact relating to issues of city-wide housing affordability.
- Negative impacts on resident's mental health/wellbeing. Addressed in part c).
- Potential issues of overcrowding in small properties. Addressed in part c).
- The proposal is contrary to National Planning Framework 4 Policy 30(e). Addressed in part c).
- The proposal is contrary to Local Development Plan Policy Hou 7. Addressed in part c).

non-material considerations

- Loss of income to the council through service provision. Not a material consideration.
- Housing should not be used as an investment. Not a material consideration.

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 complies with sections 64 and 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve or enhance the character or appearance of the conservation area and does not harm the character of the listed building, its setting, or the setting of neighbouring listed buildings.

The change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity or loss of residential accommodation.

The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reason for Refusal

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this dwelling as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal is contrary to National Planning Framework Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short stay let will result in an unacceptable impact of local amenity and the loss of a residential property has not been justified.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 5 April 2023

Drawing Numbers/Scheme

01 - 02

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Sean Christie, Assistant Planning Officer
E-mail: sean.christie@edinburgh.gov.uk

Appendix 1

Consultations

No consultations undertaken.

Application Certification Record

Case Officer

I have assessed the application against the City of Edinburgh Council's Scheme of Delegation (2023) Appendix 6 – Chief Planning Officer and the Statutory Scheme of Delegation (2023) and can confirm the application is suitable to be determined under Local Delegated Decision, decision-making route.

Case Officer: Sean Christie

Date: 30 June 2023

Authorising Officer

To be completed by an officer as authorised by the Chief Planning Officer to determined applications under delegated powers.

I can confirm that I have checked the Report of Handling and agree the recommendation by the case officer.

Authorising Officer (mRTPI): Elizabeth McCarroll

Date: 3 July 2023

Comments for Planning Application 23/01450/FULSTL

Application Summary

Application Number: 23/01450/FULSTL

Address: 2F3 46 Cockburn Street Edinburgh EH1 1PB

Proposal: Change of use from residential to short term let (in retrospect).

Case Officer: Improvement Team

Customer Details

Name: Dr Paul Beswick

Address: 6 Gillespie Street Edinburgh

Comment Details

Commenter Type: Community Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:TOLLCROSS COMMUNITY COUNCIL

11 April 2023

Head of Planning

Department of City Development

City Development - Planning & Strategy

Waverley Court

4 East Market Street

Edinburgh EH8 8BG

World Heritage Site Listed Category: B Old Town Conservation Area Change of use from residential to short term let (in retrospect). at 2F3 46 Cockburn Street Edinburgh EH1 1PB

23/01450/FULSTL

Case Officer: Improvement Team

Tollcross Community Council would like to object to this application for a short term let in a flat in a tenement with a shared entrance. We object for the following reasons, many of which have been conveyed to us by local residents.

1. Nuisance caused to other residents of the stair:

a) Disturbance and noise - short-term lets bring an increased level of noise and disturbance. The

groups occupying the property on a short-term basis are almost always on holiday with the associated holiday mindset seven days a week. Most properties in Scotland do not have carpeted entrances and hallways as hotels do, so the banging of suitcases at all hours and the excited chatter of customers echoes at entrances and in hallways. There is additional noise and disturbance as groups bring their belongings in and out of properties, including dragging suitcases and banging them off walls and doors, damaging the paintwork. Cleaners and greeters attend to turn over each property between every short-term let, which can mean banging and vacuuming past midnight. Cleaners and laundry companies may leave trip hazards in shared areas such as large laundry bags. Some letting agencies offer "luggage drop off" services where suitcases are then left in common stairs to be retrieved by customers later.

b) Anti-social behaviour - Neighbours of short-term lets are almost guaranteed to experience anti-social behaviour from customers. Alcohol is a regular contributing factor which makes these situations particularly unpredictable and intimidating to deal with. Regular complaints have been made relating to waste disposal, parking issues, noise, people returning late at night or arriving early in the morning, customers ringing.

c) Security - The security of communal spaces is completely lost. Neighbours cannot tell who is supposed to be in the property and who is not, or who has keys to shared areas. The insecurity of a shared building is advertised by key safes which are installed without permission from neighbours or listed building consent. One doorway in this area has nine key boxes on the doorframe. There is evidence that short-term let customers are more likely to leave shared entrance doors open, which has resulted in residents coming home to unknown people using drugs, and engaging in other antisocial or threatening activities in their mutual shared areas. Residents of flats or properties with shared gardens are forced to share communal but still private areas of their homes with fee-paying strangers who they have never met before and are unlikely to meet again.

d) Overcrowding Short-term rentals often bring more than the advertised number of customers. Groups will also often invite their friends to visit and enjoy their short-term let bringing additional disturbance. Short-term let businesses often advertise for far more customers to stay than would normally reside in a property in relation to its size. In some instances, STLs have been used as party flats.

e) Waste disposal - Recycling is rarely carried out. Communal bins are often used and permanent residents are expected to manage putting out and collecting bins on behalf of the absent owners. Rubbish bags are often left out in communal stairs. Cleaners usually clean inside the short-term let properties but do not usually clean any shared areas. This leaves the residents to clear up after the customers or live in a poorer quality environment.

f) Mental health impacts - Residents draw huge comfort from a home which has a basic level of familiarity, stability and security. The regular intrusion of transient pleasure-seeking strangers is deeply unsettling. Neighbours of short-term lets regularly describe feeling acute stress, anxiety and other mental health impacts. This disproportionately impacts on disabled people, people with long term health conditions, people who live alone, children and young people.

2. An over-concentration of STLs in the Tollcross area and its consequences,

The very high concentration of STLs (coupled with increasing student residences) in central Edinburgh has consequences for the nature of the area and its demography. Parts of the city centre and World Heritage Site are no longer part of a living city and have lost a large proportion of long-term residents. Some residents are being driven out of the city. Far too many tenements now have a majority of flats used as STLs. Furthermore, this causes a loss of facilities and shops that long-term residents rely upon and their replacement with facilities and shops that support tourists but not residents. This was a major reason given by residents moving out of Amsterdam. The use of so many properties as STLs has an effect on property prices and rent levels with many residents on modest incomes no longer able to live in Edinburgh which we all acknowledge has a serious housing crisis.

It is for these reasons that we object to this application for a change of use and we hope that you will consider our objection favourably in your determination.

Yours faithfully,

Paul Beswick for Tollcross Community Council
6 Gillespie Street Edinburgh EH3 9NH

Comments for Planning Application 23/01450/FULSTL

Application Summary

Application Number: 23/01450/FULSTL

Address: 2F3 46 Cockburn Street Edinburgh EH1 1PB

Proposal: Change of use from residential to short term let (in retrospect).

Case Officer: Improvement Team

Customer Details

Name: Mrs Fiona Allen

Address: 4a Lauriston Gardens Edinburgh

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to register an objection; you will see from my address that I live in an area of high concentration of STLs, which have had a most deleterious effect on the amenity of the neighbourhood. Residents have no way of knowing if unknown people encountered in the stairwell are there for pleasant purposes, and STL visitors do not necessarily make much effort to make themselves inconspicuous during their stay - they're on holiday, so why would they not have late nights/loud conversations/smoking groups/food deliveries at all hours? They add little to the well-being of the neighbourhood, and in many cases simply ramp up existing tensions.

Comments for Planning Application 23/01450/FULSTL

Application Summary

Application Number: 23/01450/FULSTL

Address: 2F3 46 Cockburn Street Edinburgh EH1 1PB

Proposal: Change of use from residential to short term let (in retrospect).

Case Officer: Improvement Team

Customer Details

Name: Mrs Elspeth Wills

Address: 3 Brown's Place Edinburgh

Comment Details

Commenter Type: Community Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The Old Town Community Council wishes to object to this new application.

Our grounds of objection are as follows:

The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this dwelling as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.

The proposal is contrary to National Planning Framework Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short stay let will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified.

Shortage of housing to buy or rent is a real issue throughout Edinburgh as acknowledged by both by the current and 2030 national planning guidelines. This is particularly true of the Old Town where the voters' roll has fallen to its lowest level ever and one in three properties is now a STL.

The proliferation of STLs has damaging effects not only on neighbours (Hou 7) and on building maintenance but on whole communities. Judging by the neighbour notification list there are still a few residents surviving in the area.

STLs bring few benefits to the local economy or community as most visitors stay for only 2-3 nights to have fun in the city centre.

Many properties are at the heart of the World Heritage site.

Loss of income to the Council who maintains essential services such as rubbish collection free of charge. Housing should be seen as a place for people to live in not as an investment.

We urge that this and all STL applications are turned down.

Yours sincerely

Elspeth Wills

Planning - OTCC

Comments for Planning Application 23/01450/FULSTL

Application Summary

Application Number: 23/01450/FULSTL

Address: 2F3 46 Cockburn Street Edinburgh EH1 1PB

Proposal: Change of use from residential to short term let (in retrospect).

Case Officer: Improvement Team

Customer Details

Name: Ms OLD TOWN ASSOCIATION

Address: 1 Trunks Close, 55 High Street, Edinburgh EH1 1SR

Comment Details

Commenter Type: Amenity Body

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This application should be refused as the use of a residential home for short-term letting means loss of residential accommodation. Short-term lets in a tenement results in noise and other disturbance for the other inhabitants, especially where there is shared access or shared space, as there is here. Short-term lets as a whole destroy communities and lead to a sense of insecurity amongst remaining residents. Not having residents also means fewer people to monitor the building and undertake maintenance.

Comments for Planning Application 23/01450/FULSTL

Application Summary

Application Number: 23/01450/FULSTL

Address: 2F3 46 Cockburn Street Edinburgh EH1 1PB

Proposal: Change of use from residential to short term let (in retrospect).

Case Officer: Improvement Team

Customer Details

Name: Dr The Architectural Heritage Society of Scotland

Address: 15 Rutland Square, Edinburgh EH1 2BE

Comment Details

Commenter Type: Amenity Body

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The AHSS Forth & Borders Cases Panel has examined the proposals for the change of use to short-term let in a B-listed tenement by Peddie and Kinnear, 1859-61, which lies within the Old Town Conservation Area and World Heritage Site, and objects.

1) The proposals only relate to one property within the tenement, which is accessed from a shared stair. This would have a detrimental impact on the residential amenity of neighbouring properties, and limits the future of the flats not included within the application.

2) The change of use would contribute to the unsustainable growth of the short term let (STL) sector in Edinburgh. The economic benefits of tourism for Edinburgh are clear, and we celebrate the role that our architectural heritage plays in this sector. However, the current rising rate of STLs threatens the sense of place and community which are part of the city's attraction, and this is especially acute in the World Heritage Site.

3) Scottish Government Research has highlighted the links between STLs and the negative impacts of reduced availability of affordable housing, congestion and reduced quality of life through noise and disturbance (People, Communities and Places, October 2019, pp. iv-v)

4) With particular reference to architectural heritage the responsibility for the care and maintenance of communal areas and aspects of joint responsibility in listed buildings and conservation areas is diminished by the increase of short-term occupants. The change of use does not respect the special characteristics of history and place reflected in the building's designation and location in the World Heritage Site and would increase the negative impacts caused by the growth of STLs in Edinburgh.

The proposals contradict Edinburgh Council's Local Development Plan policies DES1, DES5, ENV4, and HOU7. It also conflicts with NPF4 30(e) part (ii), as it would result in the loss of residential accommodation. We therefore object to the application.

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100638626-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Applicant Details

Please enter Applicant details

<p>Title:</p> <input type="text" value="Mr"/>	<p>Other Title:</p> <input type="text"/>	<p>You must enter a Building Name or Number, or both: *</p>	
<p>First Name: *</p> <input type="text" value="Derek"/>	<p>Last Name: *</p> <input type="text" value="Munn"/>	<p>Building Name:</p> <input type="text"/>	<p>Building Number:</p> <input type="text" value="2"/>
<p>Company/Organisation</p> <input type="text"/>	<p>Telephone Number: *</p> <input type="text" value="██████████"/>	<p>Address 1 (Street): *</p> <input type="text" value="Flat 125, Venice Corte"/>	<p>Address 2:</p> <input type="text" value="2 Elmira Street"/>
<p>Extension Number:</p> <input type="text"/>	<p>Mobile Number:</p> <input type="text"/>	<p>Town/City: *</p> <input type="text" value="London"/>	<p>Country: *</p> <input type="text" value="United Kingdom"/>
<p>Fax Number:</p> <input type="text"/>	<p>Email Address: *</p> <input type="text" value="██"/>	<p>Postcode: *</p> <input type="text" value="SE13 7FQ"/>	

Site Address Details

Planning Authority:

City of Edinburgh Council

Full postal address of the site (including postcode where available):

Address 1:

2F3

Address 2:

46 COCKBURN STREET

Address 3:

OLD TOWN

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH1 1PB

Please identify/describe the location of the site or sites

Northing

673686

Easting

325847

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

I am the owner of Flat 2F3 46 Cockburn Street, Edinburgh EH1 1PB. It was my principal residence for many years. I am currently living in London, though I plan to return to Edinburgh in due course. The flat was tenanted but is currently being used for air B&B lets. I am making no changes to the property, but am applying for change of use planning permission to comply with the new rules.

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

The refusal notice stated that the economic benefits of the short-term lets did not outweigh the presumption of refusal. However, the other part of my submission was not addressed: that I am not a commercial operator but an owner-occupier, formally resident in the Old Town for many years, and fully committed to my property being available for residential use again in due course.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

My previous supporting statement for reference

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

23/01450/FULSTL

What date was the application submitted to the planning authority? *

04/04/2023

What date was the decision issued by the planning authority? *

04/07/2023

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Derek Munn

Declaration Date: 14/08/2023

Proposal Details

Proposal Name	100638626
Proposal Description	Change of use residential to short term lets.
Address	2F3, 46 COCKBURN STREET, OLD TOWN, EDINBURGH, EH1 1PB
Local Authority	City of Edinburgh Council
Application Online Reference	100638626-001

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

Attachment Details

Notice of Review	System	A4
statement in support of planning application	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

STATEMENT IN RESPECT OF PLANNING APPLICATION NUMBER 23/01450/FULSTL

NPF4 E)

- i. An unacceptable impact on local amenity or the character of a neighbourhood or area*

No changes have been made to the property internally or externally. It remains suitable for residential accommodation as it was when it was my home.

The property and the common stair and roof is well maintained in order to maintain the character of the historic building.

There have been no complaints whatsoever from local residents.

- ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.*

Flat 2F3 46 Cockburn Street was my home for many years. I am currently working in London, but regard Edinburgh as my home and plan to return in due course. I am applying for change of use planning permission to comply with the current policy, but I am making no changes to the property since it is my intention that it be residential accommodation again either when I return to Edinburgh or when I sell.

The visitors who make use of the property contribute to the local economy. In addition, the property is managed by a small local Edinburgh Company who employ local people and use local trades.

Yours faithfully,

Derek Munn

19 June 2023

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QB Wood Architects.
FAO: Sarah Brown
QB Wood Architects
The Station Masters Office
Station Road
South Queensferry
EH30 9JP

Mr & Mrs Elwyn Soutter.
60 Artlone Road
Randalstown
Co Antrim
BT41 3HX

Decision date: 17 May 2023

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Change of use to Short Term Let (in retrospect).
At Flat 5 20 Timber Bush Edinburgh EH6 6QH

Application No: 22/06243/FULSTL

DECISION NOTICE

With reference to your application for Planning Permission STL registered on 19 December 2022, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

Conditions:-

1. No conditions are attached to this consent.

Reason for Refusal:-

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this dwelling as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.

2. The proposal is contrary to National Planning Framework Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short stay let will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01 - 02, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Benny Buckle directly at benny.buckle@edinburgh.gov.uk.



Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at www.eplanning.scot or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email localreviewbody@edinburgh.gov.uk.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Report of Handling

**Application for Planning Permission STL
Flat 5 20 Timber Bush, Edinburgh, EH6 6QH**

Proposal: Change of use to Short Term Let (in retrospect).

**Item – Local Delegated Decision
Application Number – 22/06243/FULSTL
Ward – B13 - Leith**

Recommendation

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

Summary

The change of use of this property to a Short Term Let (STL) will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation in this case it does not outweigh the adverse impact on residential amenity or the loss of residential accommodation.

The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

SECTION A – Application Background

Site Description

The application site relates to a second storey, two-bedroom flat at F5 20 Timber Bush. Access is gained via shared stair and communal front door entrance. The property is located within the Leith conservation area.

Description of The Proposal

The application is for retrospective planning permission for the change of use from residential to short term let.

Supporting Information

- Planning Statement NPF4

Relevant Site History

No relevant site history.

Other Relevant Site History

No further relevant site history.

Consultation Engagement

No consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 17 May 2023

Date of Advertisement: 6 January 2023

Date of Site Notice: 6 January 2023

Number of Contributors: 1

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 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

a) The proposals harm the character or appearance of the conservation area?

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The Leith Conservation Area Character appraisal states: *"The Leith Conservation Area Character Appraisal emphasises the area's unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities, and the importance of the Water of Leith and Leith Links for their natural heritage, open space and recreational value."*

There are no external alterations. The change of use from a residential premises to a short-term let will not have any material impact on the character of the conservation area. The change of use would preserve the appearance of the conservation area.

Conclusion in relation to the conservation area

The proposals are acceptable with regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) 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 2016 policies to be considered are:

- NPF4 Sustainable Places Tackling the climate and nature crises Policy 1.
- NPF4 Productive Places Tourism Policy 30.
- NPF4 Historic Assets and Places Policy 7.
- Local Development Plan Housing Policy, Hou 7.
- Local Development Plan Transport Policies, Tra 2 and Tra 3

The non-statutory Listed Building and Conservation Area Guidance is a material consideration when considering NPF4 Policy 7.

The non-statutory Guidance for Business is a material consideration that is relevant when considering LDP Policy Hou 7 and the Edinburgh Design Guidance is a material consideration when considering LDP Policies Tra 2 and Tra 3.

Conservation Area

The impact on the character and appearance of the conservation area has been considered above in section a). It was concluded that the change of use would not have any material impact on the character of the conservation area and would preserve the appearance of the conservation area.

The proposal complies with NPF4 Policy 7.

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 relate to STL proposals.

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

The non-statutory Guidance for Businesses states (update April 2023) 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 property is located within a primarily residential area, accessed via a communal stair and ground floor entrance that is used by a further seven properties. The dwelling is in immediate proximity to neighbouring residential properties.

The use as a STL would allow multiple parties of visitors to come and go from the premises for inconsistent periods of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents. When staying at the property, guests can come and go frequently throughout the day and night impacting on the amenity of immediate residential occupants. Temporary visitors are likely to have less regard for the local amenity.

The proposed use would increase the ambient background noise levels beyond what residents would reasonably expect within the immediate and local area. The increase in

frequency of movement to the flat at unpredictable hours would damage the amenity of the immediate neighbours and adjacent properties.

The proposal will have an unacceptable impact on the living conditions and amenity of nearby residents. The proposal does not comply with NPF 4 policy 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 property will only be supported where the economic benefits of the proposals are outweighed by demonstrable local economic benefits.

Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. The use of the property by guests and the required maintenance and upkeep of STL properties are likely to result in a level of job creation and spend within the economy which can be classed as having an economic benefit.

However, having the property in residential use would also contribute to the economy, through the use of a variety of local services and employment opportunities across the City. Long term residents also have the ability to make consistent and long-term contributions to the local community.

The proposal would result in the loss of residential accommodation. There is a recognised need and demand for housing in Edinburgh, therefore, it is important to retain the existing supply where appropriate.

The applicant provided a statement that commented that the change of use would support the local economy via direct spending in local businesses and services within the Leith community. Further commenting that it supports the direct employment of cleaners and other services.

In this instance, it has not been demonstrated that the loss of the residential accommodation is outweighed by demonstrable local economic benefits. As such, the proposal does not comply with NPF 4 30(e) part (ii).

Parking Standards

There are no parking requirements for STLs. Cycles could be parked inside the property.

The proposals comply with LDP Policies Tra 2 and Tra 3.

Conclusion in relation to the Development Plan

The change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of tourist accommodation, in this case, it does not outweigh the adverse impact on residential amenity or the loss of residential accommodation. The

proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7.

c) 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

The application received one public representations, one objection. A summary of the representations is provided below:

material considerations

- A change in use would have a detrimental effect to immediate neighbouring properties. This has been discussed within section B.

non-material considerations

- The change of use would be outwith the properties title deeds.

Conclusion in relation to other material considerations

The proposals do not raise any issues in relation to other material considerations identified.

Overall conclusion

The change of use of this property to a Short Term Let will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation in this case it does not outweigh the adverse impact on residential amenity or the loss of residential accommodation.

The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. No conditions are attached to this consent.

Reasons

Reason for Refusal

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this dwelling as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal is contrary to National Planning Framework Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short stay let will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 19 December 2022

Drawing Numbers/Scheme

01 - 02

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Benny Buckle, Assistant Planning Officer
E-mail: benny.buckle@edinburgh.gov.uk

Appendix 1

Consultations

No consultations undertaken.

Comments for Planning Application 22/06243/FULSTL

Application Summary

Application Number: 22/06243/FULSTL

Address: Flat 5 20 Timber Bush Edinburgh EH6 6QH

Proposal: Change of use to Short Term Let (in retrospect).

Case Officer: Improvement Team

Customer Details

Name: Mr Andrew Waldie

Address: Flat 6, 17 Timber Bush Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This application does not elaborate what is precisely meant by a change of use to "Short-term Let". However, given that residential tenancies would not be a change of use, and the reference to a "HMO Licence" in the Location Plan submitted in support of the application - I infer that the applicants wish to validate retrospectively their operation of an Airbnb or other form of holiday letting business at Flat 5, 20 Timber Bush ("the Property"). My wife and I - as joint proprietors and residents of a neighbouring flat - object to this application on the following grounds:

1) the operation of a holiday letting (or other form of short-term letting) business at the Property is likely to cause noise and disturbance to the residents of neighbouring flats in what is a purpose built residential development. Indeed, there has already been one recent occasion when a largish group - who appeared to have taken a "short-term let" in one of the 20 Timber Bush flats - gathered noisily, late in the evening, outside the doorway of 20 Timber Bush to talk and smoke.

2) This application for change of use contravenes the applicants' obligations as owners under the Burdens section of their title deeds:

a) Section 7.3 "No Dwellinghouse shall be sub-divided or used or occupied otherwise than as a dwellinghouse for one family only."

b) Section 7.5 "No Dwellinghouse shall be used or occupied without [the Owners' Association's] Consent for the purpose of carrying on any trade, business or profession or used in any manner unreasonably to the annoyance of any other Proprietor..."

To the best of my knowledge, the applicants have not obtained the consent of the Owners' Association to carry out a holiday letting business or any other form of "short-term let" business at the Property.

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100610176-003

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

QB Wood Architects

Ref. Number:

You must enter a Building Name or Number, or both: *

First Name: *

Sarah

Building Name:

QB Wood Architects

Last Name: *

Brown

Building Number:

Telephone Number: *

Address 1 (Street): *

The Station Masters Office

Extension Number:

Address 2:

Station Road

Mobile Number:

Town/City: *

South Queensferry

Fax Number:

Country: *

UK

Postcode: *

EH30 9JP

Email Address: *

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr & Mrs"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Elwyn"/>	Building Number:	<input type="text" value="60"/>
Last Name: *	<input type="text" value="Soutter"/>	Address 1 (Street): *	<input type="text" value="Artlone Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Randalstown"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Co Antrim"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Northern Ireland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="BT41 3HX"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:	<input type="text" value="City of Edinburgh Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="FLAT 5"/>
Address 2:	<input type="text" value="20 TIMBER BUSH"/>
Address 3:	<input type="text" value="NORTH LEITH"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH6 6QH"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="676585"/>	Easting	<input type="text" value="327274"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Change of use to Short Term Let (in retrospect)

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to Planning Appeal supporting statement

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

We have addressed the use of a Policy which was adopted 4 days prior to our decision date. The application was also not assessed during the 8 week determination date and only started the process of assessing the application 16 weeks after the original submission date.

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

22069 - Planning Application 22069 - E01 Location Plan 22069 - P01 Floor Plan 22069 - Planning Statement (A) 22069 - Planning Refusal Notice 22069 - Supporting document for Planning Appeal 22069 - Email from Planner

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

22/06243/FULSTL

What date was the application submitted to the planning authority? *

12/12/2022

What date was the decision issued by the planning authority? *

17/05/2023

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mrs Sarah Brown

Declaration Date: 15/08/2023

City of Edinburgh Council
Local Review Body
Waverley Court
4 East Market Street
EDINBURGH
EH8 8BG

14 August 2023
22069 / 3.1 / CL140823-00

Dear Sirs,

20/5 Timber Bush, Leith
Ref: 22/06243/FULSTL

We write the following supporting statement to accompany the Local Review Body appeal for the above which has been submitted within 3 months of the determination date (17th May 2023).

We feel that the reasons stated in the Planning Refusal Notice were addressed in our original Planning Statement Revision A dated March 2023. In addition to this statement, we would like to add further comments to address the reasons given for refusal:

1. *The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this dwelling as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.*

The application was refused despite an attentive landlord who responded to an early isolated complaint immediately and rectified this by adjusting their stay policy for guests and introduced a no children policy. This Short Term Let has been operating for 8 years with no further complaints. There appears to be only one neighbour objection (17 Timber Bush) to the Planning Application which is not in the same common stairwell as 20 Timber Bush. It appears as though the consideration of the length of time this Short Term Let has been running and the landlord's response to any complaints have not been part of the consideration. If the Short Term Let had a detrimental effect on the living conditions and amenity of nearby residents, then we would have been expected to be a significant amount of objections to this Planning application.

Local Development Plan Policy Hou 7 states *This policy will be used to assess proposals for the conversion of a house or flat to a House in Multiple Occupation (i.e. for five or more people) which suggests that a HMO could be applied for 1 - 4 occupants (generally students) without the need for this policy to be applied. The normal occupancy for this Short Term Let is 1 - 4 (max) guests staying at one time. Therefore there is not an excessive amount of people staying in the flat at any one time.*

- The proposal is contrary to National Planning Framework Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short stay let will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified.*

We would like to emphasise that the applicant has no intention of selling this flat, they use this solely for themselves for 6 weeks of the year and the remainder of the time it would be left vacant which unfortunately removes any financial benefit from the local community from visitor income.

The Planning application was submitted on 12th December 2022 and wasn't registered until 21st December 2022. This application had a determination date of 17th February 2023 which was 4 days after the NPF4 Policy was adopted by the council on 13th February 2023. A supporting statement for NPF4 was requested on 28th February 2023 (11 days after determination date). The application had not been assessed during the initial 8 week determination period, this is evident as the Planning officer sent us an email to advise us that they had just been allocated this case on 31st March 2023. The application wasn't determined until 17th May 2023 citing the same reasons for refusal as many of the Short Term Let properties applications that had been submitted in response to the new STL requirements. Many of which were delayed due to high volume of applications which also coincided with the adoption of the NPF4 policy that was applied to all Short Term Let applications.

We feel that most, if not all, Short Term Lets in flatted accommodation have been refused based on being a flat despite good reputation as a landlord, length of time that the Short Term Let had already been running and the number of objections from neighbours.

We ask that this application is reviewed to take all evidence into account.

Yours faithfully,



Sarah Q Brown
For
QB Wood Architects

Planning Permission
for
Change of use to Short Term Let
at
20/5 Timber Bush, Leith, EH6 6QH

Application no: 22/06243/FULSTL
Our ref: 22069 / Planning Statement
March 2023

A: 02/03/23 Alterations from Client comments

section 1 | policy

1.1 This planning statement was requested on 28th February 2023 to support the planning application to show how the Applicant's proposal complies with the policies as noted in 1.2.

1.2 NPF 4 contains a specific policy on short term lets, Policy 30(e) states:

e) 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.

section 2 | background

2.1 The property is located within Leith which is located in the North East of Edinburgh and within a short walking distance from the Water of Leith. This is a popular tourist area due to the diverse cafés, restaurants, bars and the historic port where the Royal Yacht Britannia and Ocean Terminal shopping are situated.

2.2 The flat is a two bedroom flat situated on the 2nd floor and is accessed via a common stair which has an entrance buzzer to the flat.

2.3 The flat has been operating as a short term let since April 2015. The occupants of flat 20/3 immediately beneath the applicants flat did complain some years back about children crying and running around all day. (One of the occupants works from home). The Applicants therefore introduced the no children rule. The occupants of 20/3 are content with this. No other complaint has been received in the 7 years the property has been used as a short term let.

2.4 The flat is not large enough to host a group of people and therefore does not generate large sound levels. Children under 13 are not allowed to stay. The main purpose of this house rule is to ensure that other residents are not disturbed by crying or children running about and making unacceptable noise.

2.5 The flat is currently used by the Applicants for about 6 weeks of the year. It is available to rent for the remainder of the year and is normally occupied by guests (between 1 and 4 max) staying between 3 and 7 nights who eat out and spend a lot in the local economy. (Over 200 nights in the 2022/23 financial year, a total of about 650 bed nights). That makes a significant contribution to the local economy.

2.6 Guests staying are contributing to the local economy by eating in the local restaurants and cafes and visiting local attractions. An information guide is provided in the flat which details all the public transport options, local restaurants, museums etc.

2.7 The flat has 2 allocated parking spaces therefore parking is not an issue. The Applicants' experience is that 75% of the visitors do not have a car and use taxis and public transport. The flat is adjacent to the new Shore tram stop (due to open in a couple of months' time) and getting to and from the airport by public transport will then become even easier.

- 2.8 In the event of the property not being available to let, the Applicants would simply use it themselves for 6 weeks a year and the financial benefits to the local economy from visitor income would be lost entirely. The property would not be offered for sale therefore would not add a new residential property to the market.
- 2.9 By using the flat as a short term let, the Applicants are providing steady employment for two local cleaners. Should the application not be approved, then this will eliminate a significant proportion of their regular income.

section 3 | addressing policy

3.1 In referencing Section 2 we address the policy in 1.2 as follows:

3.2 *i. An unacceptable impact on local amenity or the character of a neighbourhood or area;*

Leith is already a popular tourist area in Edinburgh. The applicants' property is a two bedroom flat and therefore does not attract large groups of people coming into the communal parking area or the building itself. It is generally used by families with teenage children or by two couples. The communal entrance is secured by a door to which guests have a key. The public cannot otherwise enter the premises.

As the flat is only two bedrooms it restricts the number of guests staying and therefore there is little risk of large groups of people arriving at the flat or noise issues from them staying there.

Guests mostly use public transport and only about a quarter bring a car. Many guests who do bring a car tend to leave the car during their stay in the car park and use public transport.

The Applicants are easily accessible by neighbours and in the 7 years that the flat has been used for Short Term Let there has only been one isolated complaint about children, from the occupant of the flat immediately beneath the Applicants. The complaint has been addressed by not allowing children under 13 to stay. There have been no other complaints.

3.3 *ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.*

The flat generates about 650 bed nights a year. The guests who stay are going to local museums, using local shops, restaurants, pubs and public transport which makes a major contribution to the local economy.

Providing short-term let accommodation creates regular employment for 2 cleaners as well as income for utility professionals in the area (annual gas checks etc).

In the event of flat not being available to rent, its use would drop to just 6 weeks of the year (by the Applicants themselves) and the visitor income would be lost. The property would not be offered for sale therefore would not add any new residential accommodation to the local area.

section 4 | conclusion

4.1 The scale of the flat and location should be taken into account when assessing this application.

The flat's size limits the number of guests, and children under 13 are not accepted which controls possible noise issues. Most guests use public transport but there are 2 no. car park spaces and a bike shed for those who need those facilities, so no additional impact on parking is created.

The location of the flat within Leith means that it is already located within a busy tourist area and the property is close to local amenities, many of which are within walking distance, which would benefit from the guests staying.

In conclusion, the property would not cause a detrimental effect on the local amenity or character of the neighbourhood and would occupy an otherwise empty flat for most of the year.

Proposal Details

Proposal Name	100610176
Proposal Description	Change of use to Short Term Let
Address	FLAT 5, 20 TIMBER BUSH, NORTH LEITH, EDINBURGH, EH6 6QH
Local Authority	City of Edinburgh Council
Application Online Reference	100610176-001

Application Status

Location Plan	complete	
Form	complete	
Main Details	complete	
Certificate of Ownership	complete	
Checklist	complete	
Declaration	complete	
Supporting Documentation	complete	
Email Notification	complete	
Fee	complete	600.00
Payment Method	complete	Credit/Debit Card

Attachment Details

Planning Permission	System	A4
Location Plan	Attached	A4
22069 - P01	Attached	A3
Planning_Permission-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Planning Permission-001.xml	Attached	A0

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100610176-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Chang of use to Short Term Let

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): * 27/04/2015

Please explain why work has taken place in advance of making this application: * (Max 500 characters)

Previously used as Short Term Let

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application) Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	QB Wood Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Sarah	Building Name:	QB Wood Architects
Last Name: *	Brown	Building Number:	
Telephone Number: *		Address 1 (Street): *	The Station Masters Office
Extension Number:		Address 2:	Station Road
Mobile Number:		Town/City: *	South Queensferry
Fax Number:		Country: *	UK
		Postcode: *	EH30 9JP
Email Address: *			
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	
First Name: *	Elwyn	Building Number:	60
Last Name: *	Soutter	Address 1 (Street): *	Artlone Road
Company/Organisation		Address 2:	Randalstown
Telephone Number: *		Town/City: *	Co Antrim
Extension Number:		Country: *	Northern Ireland
Mobile Number:		Postcode: *	BT41 3HX
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

City of Edinburgh Council

Full postal address of the site (including postcode where available):

Address 1:

FLAT 5

Address 2:

20 TIMBER BUSH

Address 3:

NORTH LEITH

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH6 6QH

Please identify/describe the location of the site or sites

Northing

676585

Easting

327274

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

74.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Short Term Let

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? * Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * Yes No

If Yes or No, please provide further details: * (Max 500 characters)

N/A

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Sarah Brown

On behalf of: Mr & Mrs Elwyn Soutter

Date: 12/12/2022

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

- | | | |
|--|------------------------------|---|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mrs Sarah Brown

Declaration Date: 12/12/2022

Payment Details

Online payment: 6708440664196274304248;

Payment date: 12/12/2022 11:21:00

Created: 12/12/2022 11:21

QB Wood Architects.
FAO: Sarah Brown
QB Wood Architects
The Station Masters Office
Station Road
South Queensferry
EH30 9JP

Mr & Mrs Elwyn Soutter.
60 Artlone Road
Randalstown
Co Antrim
BT41 3HX

Decision date: 17 May 2023

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013

Change of use to Short Term Let (in retrospect).
At Flat 5 20 Timber Bush Edinburgh EH6 6QH

Application No: 22/06243/FULSTL

DECISION NOTICE

With reference to your application for Planning Permission STL registered on 19 December 2022, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

Conditions:-

1. No conditions are attached to this consent.

Reason for Refusal:-

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this dwelling as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.

2. The proposal is contrary to National Planning Framework Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short stay let will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01 - 02, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Benny Buckle directly at benny.buckle@edinburgh.gov.uk.

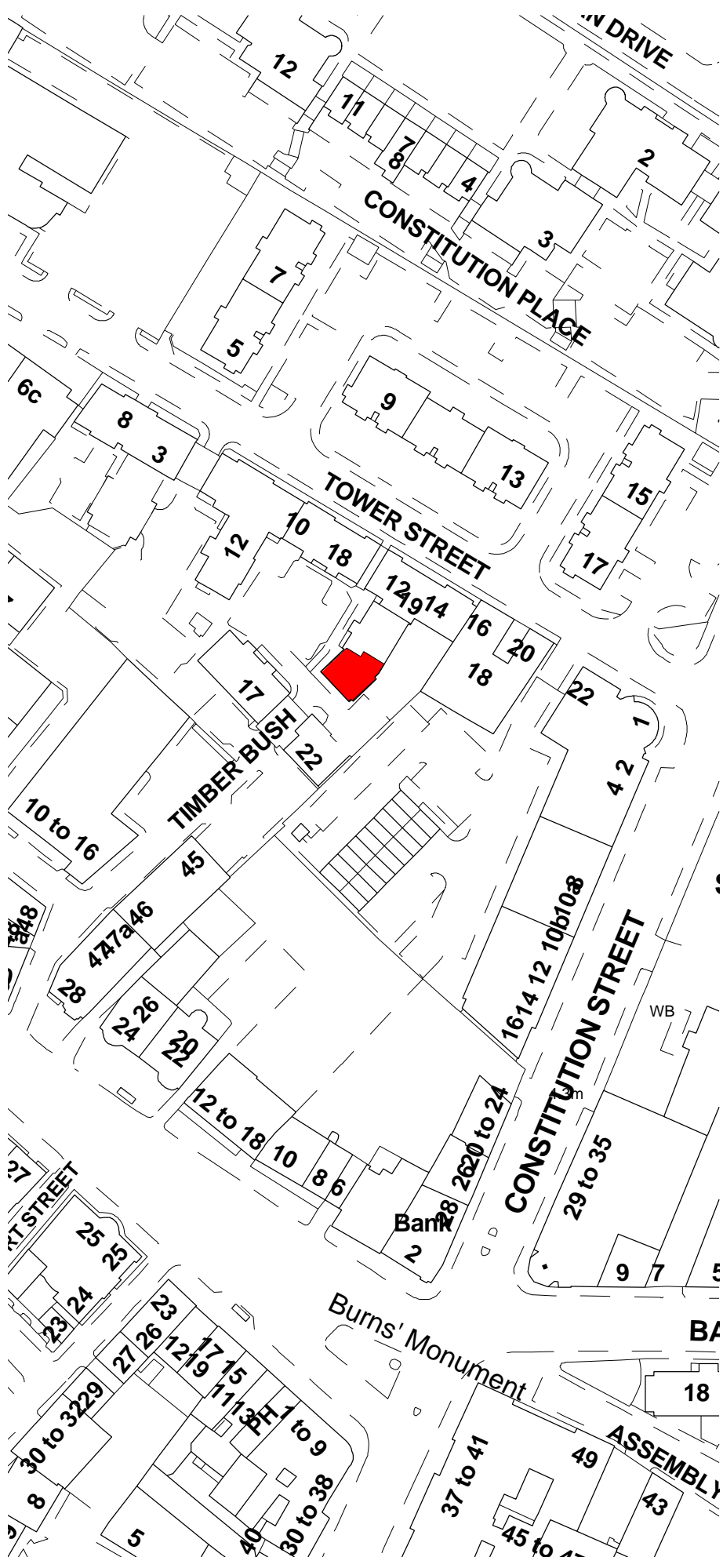


Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at www.eplanning.scot or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email localreviewbody@edinburgh.gov.uk.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



20 (5) Timber Bush, Leith

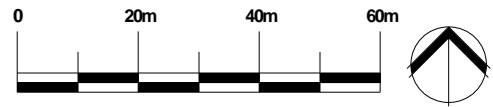
Location Plan

HMO LICENCE

22069 -E01

1 : 1250 [A4]

ref. SW



SCALE 1:1250

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The contractor shall be responsible for making contact with the respective statutory authorities and establish the location of all existing services. The contractor shall ensure compliance with the Local Authority regulations.

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All dimensions are to the structure and exclude any plaster / plasterboard finishes.

Location Plan
[1 : 1250]

20 (5) Timber Bush, Leith

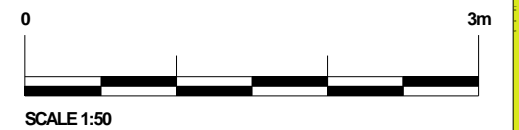
Floor Plan

SHORT TERM LET













22069 -P01

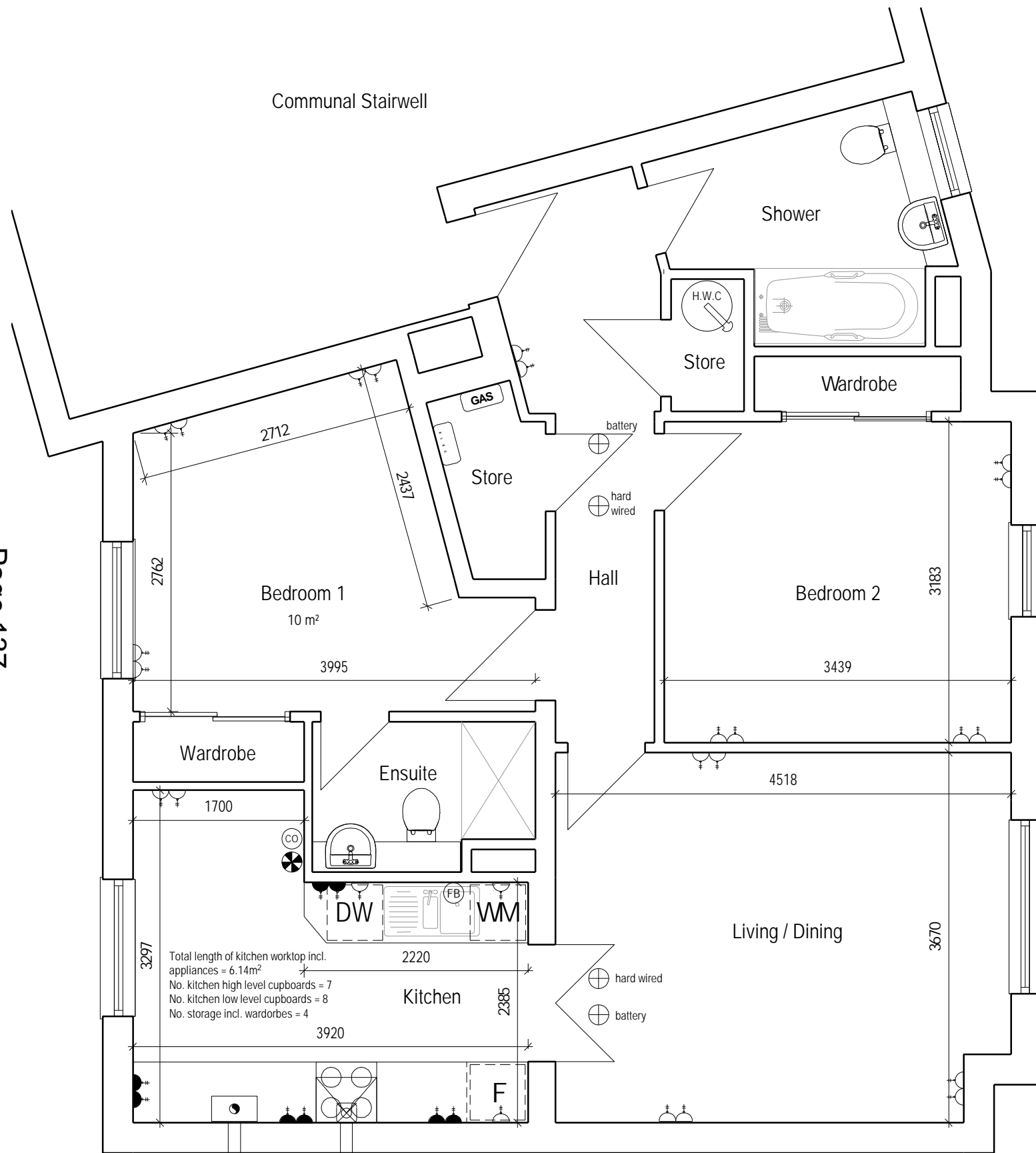
1 : 50 [A3]

ref. SW



Electrical Legend:

-  13 Amp two gang socket
-  13 Amp two gang socket located 150mm above worktop level
-  Application spur
-  Extract fan
-  Smoke detector
-  Mains powered heat detector
-  Mains powered carbon monoxide (CO) detector
-  Boiler
-  Electrical meter & distribution boards
-  Gas meter
-  Fire blanket
-  Hot water cylinder



Total length of kitchen worktop incl. appliances = 6.14m²
 No. kitchen high level cupboards = 7
 No. kitchen low level cupboards = 8
 No. storage incl. wardrobes = 4

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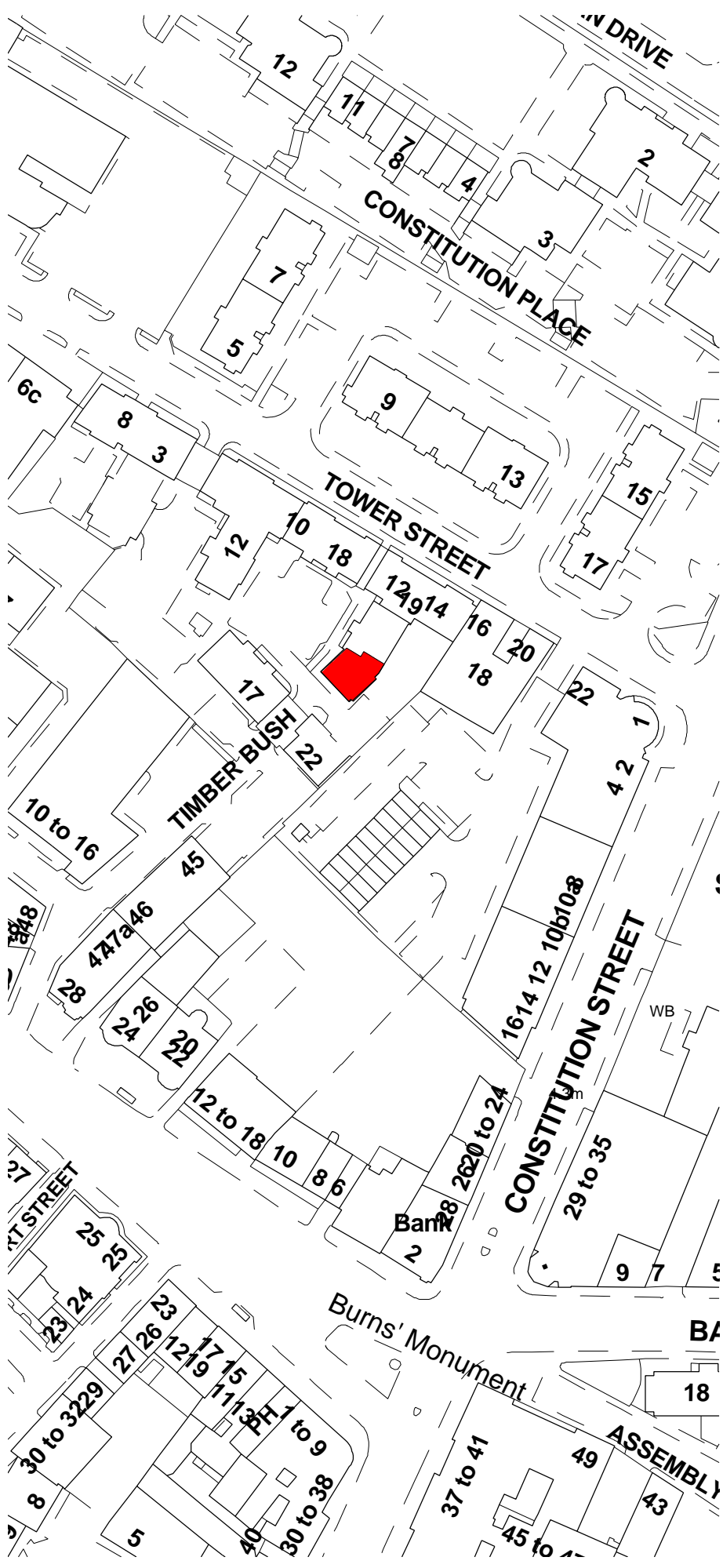
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20 (5) Timber Bush, Leith

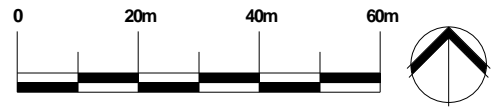
Location Plan

HMO LICENCE

22069 -E01

1 : 1250 [A4]

ref. SW



SCALE 1:1250

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Location Plan
[1 : 1250]

Sarah Brown

From: Benny Buckle <Benny.Buckle@edinburgh.gov.uk>
Sent: 31 March 2023 08:48
To: Sarah Brown
Subject: RE: 22069 20/5 Timber Bush - Ref: 22/06243/FULSTL

Hi Sarah

Thank you for your email, I have just been allocated your case. We are experiencing high volumes of Short Term Let applications which has created significant delays. I cannot give an update on the specific timeline, though I am in the process of considering your application at this time.

Many thanks

Benny Buckle
Planning Officer

Planning and Building Standards | Sustainable Development | PLACE Directorate | The City of Edinburgh Council |
Waverley Court, **G.2**, 4 East Market Street, Edinburgh, EH8 8BG |
benny.buckle@edinburgh.gov.uk | www.edinburgh.gov.uk |

[REDACTED]

Sent: Thursday, March 30, 2023 4:21 PM
To: Benny Buckle <Benny.Buckle@edinburgh.gov.uk>
Subject: 22069 20/5 Timber Bush - Ref: 22/06243/FULSTL

Hi Benny,

We are just looking for an update on 20/5 Timber Bush (Ref: 22/06243/FULSTL). We submitted a Planning statement as requested on 2nd March but have not heard anything further since the application was registered 3 months ago.

Kind regards,

Sarah Q Brown
Director | Architect
for

QB Wood architects



Harmeny Education Trust
Registered Charity Number SC024256
www.harmeny.org.uk/appeal

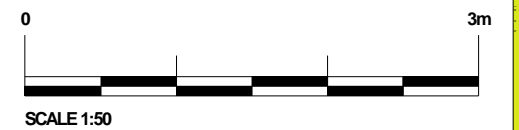
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











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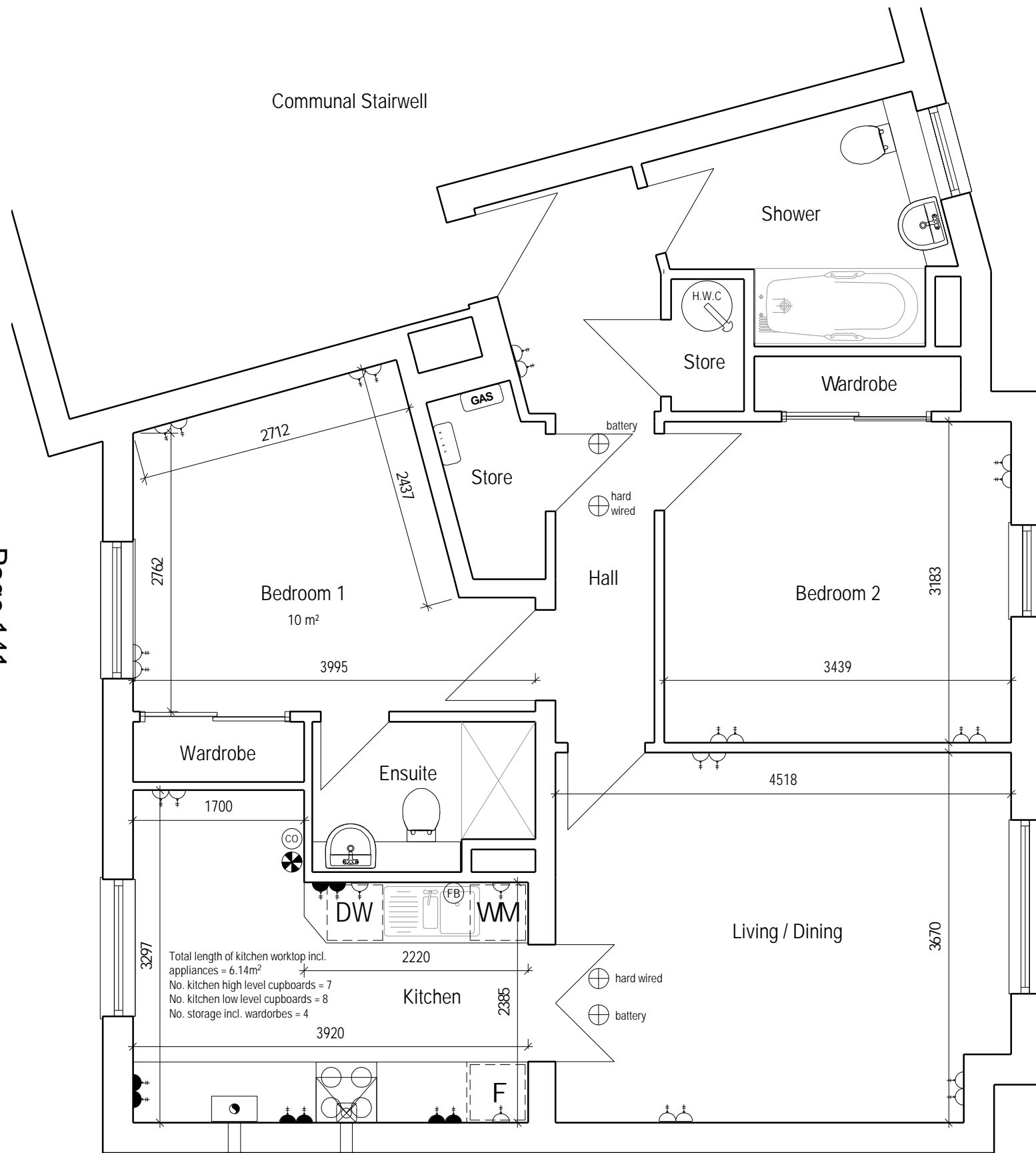
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Electrical Legend:

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-  13 Amp two gang socket located 150mm above worktop level
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-  Extract fan
-  Smoke detector
-  Mains powered heat detector
-  Mains powered carbon monoxide (CO) detector
-  Boiler
-  Electrical meter & distribution boards
-  Gas meter
-  Fire blanket
-  Hot water cylinder



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Miss McKerrow.
The Barns
By Tomintoul Cottage
Braemar
AB35 5XX

Decision date: 2 August 2023

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Change of use from residential to short term let (in retrospect).
At 12 Raeburn Mews Edinburgh EH4 1RG

Application No: 23/01489/FULSTL

DECISION NOTICE

With reference to your application for Planning Permission STL registered on 26 May 2023, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

Reason for Refusal:-

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this property as a short term let will have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal is contrary to National Planning Framework 4 Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short term let will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01,02, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The proposal is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve the character or appearance of the conservation area.

The change of use of this property to a short-term let (STL) will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity or loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Lesley Porteous directly at lesley.porteous@edinburgh.gov.uk.



Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at www.eplanning.scot or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email localreviewbody@edinburgh.gov.uk.

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∴

Report of Handling

**Application for Planning Permission STL
12 Raeburn Mews, Edinburgh, EH4 1RG**

Proposal: Change of use from residential to short term let (in retrospect).

**Item – Local Delegated Decision
Application Number – 23/01489/FULSTL
Ward – B05 - Inverleith**

Recommendation

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

Summary

The proposal is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve the character or appearance of the conservation area.

The change of use of this property to a short-term let (STL) will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity or loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

SECTION A – Application Background

Site Description

The application site is a two-storey mews building at 12 Raeburn Mews, Stockbridge. There is a double bedroom and shower room on the ground floor. The first floor has a sitting room, kitchen and shower room. The property has its own main door entrance and there is no shared or private amenity space.

The surrounding area is an enclave of mews buildings just off Raeburn Place. Public transport can be reached within a 5-minute walk.

The application site is in the New Town Conservation Area.

Description Of The Proposal

The application seeks permission to change the residential use to a short term let. No internal or external physical changes are proposed.

The applicant has advised that the property has been used as a short term let since 2021 The application is therefore retrospective.

Supporting Information

National Planning Framework 4 Planning Statement.

Relevant Site History

No relevant site history.

Other Relevant Site History

No relevant planning site history.

Consultation Engagement

No consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 26 May 2023

Date of Advertisement: 2 June 2023

Date of Site Notice: 2 June 2023

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 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

a) The proposals harm the character or appearance of the conservation area?

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

There are no external changes proposed. The change of use from a residential premises to a short term let will not have any material impact on the character of the conservation area. The change of use would preserve the appearance of the conservation area.

Conclusion in relation to the conservation area

The proposal does not harm the conservation area. Therefore, it is 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?

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 policies to be considered are:

- NPF4 Sustainable Places Policy 1.
- NPF4 Historic Assets and Places Policy 7.
- NPF4 Productive Places Tourism Policy 30.
- LDP Housing Policy Hou 7.
- LDP Transport Policies Tra 2 and Tra 3.

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering historic assets. The non-statutory 'Guidance for Businesses' (2023) is a material consideration that is relevant when considering change of use applications.

Conservation Area

There are no external or internal works proposed and as such there will not be a significant impact on historic assets and places. The proposal complies with NPF 4 Policy 7.

Proposed Use

With regards to NPF 4 Policy 1, the proposals do not involve operational development. 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 relate to STL proposals.

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

The non-statutory Guidance for Businesses (2023) 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 property is a two storey mews building. It is located at the end of an enclave of mews buildings to the rear of Raeburn Place in Stockbridge. It has its own main door entrance on to the street.

The applicant submitted a planning statement in response to the NPF 4 policies. In terms of amenity, the statement highlights that the surrounding area is very peaceful and the applicant does not wish to disrespect this therefore rents only to individuals and couples. The applicant is not aware of complaints from neighbours.

As the immediate surrounding area is entirely residential there is a fairly low ambient noise level and the introduction of an STL use in this location will have a negative impact on the amenity of the surrounding area. Although it has its own main door access, the use of this property as a short term let would have the potential to introduce an increased frequency of movement to the dwelling at unsociable hours. The proposed one bedroom short stay use would enable visitors to arrive and stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents. There is no guarantee that guests would not come and go frequently throughout the day and night and transient visitors may have less regard for neighbours' amenity than individuals using the property as a principal home.

The additional servicing that operating a property as an STL requires compared to that of a residential use is also likely to result in an increase in disturbance, further impacting on neighbouring amenity. However, this would be of lesser impact as it is likely that servicing would be conducted during the daytime.

The potential for noise described above would be significantly different from the ambient background noise that neighbouring residents might reasonably expect and will have a significantly detrimental effect on the living conditions and amenity of nearby residents. The proposal does not comply with NPF 4 policy 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.

Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. The use of the property by guests and the required maintenance and upkeep of STL properties are likely to result in a level of job creation and spend within the economy which can be classed as having an economic benefit.

The applicant's NPF 4 statement confirms that this is the applicant's secondary property. The statement explains how the property is let out on a short term let basis only when family /extended family are not using it. The number of weeks the property is used for STL is a maximum of three months in the year. The implication is that there is no loss of residential accommodation. The statement also submits that the STL use will attract guests who will visit local amenities, bars, cafes and restaurants.

The current lawful use of the property is for residential accommodation. Consequently, the use of the property as an STL (in this case for a maximum of three months of the year) would result in a loss of residential accommodation, which given the recognised need and demand for housing in Edinburgh is important to retain, where appropriate.

In this instance, it has not been sufficiently demonstrated that the loss of the residential accommodation is outweighed by demonstrable local economic benefits. As such, the proposal does not comply with NPF 4 30(e) part (ii).

Car Parking

There is one car parking space at the property. This is acceptable and there is no requirement for cycle parking for short term lets. The proposal complies with policies Tra 2 and Tra 3.

Conclusion in relation to the Development Plan

The change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7.

c) 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.

Independent economic impact assessment

An independent economic impact assessment was commissioned by the Planning Service, and this resulted in a report on the Economic Impact of Residential and Short-Term Let Properties in Edinburgh (the Economic Report). This was reported to Planning Committee on 14 June 2023. The Committee noted that the findings of the report are one source of information that can be considered when assessing the economic impacts of short-term let planning applications and that given the report is considering generalities rather than the specifics of an individual case, it is likely that only limited weight can be attached to it as a material consideration when making planning application decisions. The study considered the economic impact of various types of properties in Edinburgh if used as a residential property as opposed to being used for short-term holiday lettings.

The Economic Report shows that there are positive economic impacts from the use of properties for both residential use and short-term let use. The Report found that in general the gross value added (GVA) effects are greater for residential uses than short-term lets across all property types and all areas. However, given it is considering generalities rather than the specifics of this individual case, only 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

No representations have been received.

Conclusion in relation to identified material considerations

Overall conclusion

The proposal is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve the character or appearance of the conservation area.

The change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity or loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reason for Refusal

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this property as a short term let will have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal is contrary to National Planning Framework 4 Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short term let will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 26 May 2023

Drawing Numbers/Scheme

01,02

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Lesley Porteous, Planning Officer
E-mail:lesley.porteous@edinburgh.gov.uk

Appendix 1

Consultations

No consultations undertaken.

Application Certification Record

Case Officer

I have assessed the application against the City of Edinburgh Council's Scheme of Delegation (2023) Appendix 6 – Chief Planning Officer and the Statutory Scheme of Delegation (2023) and can confirm the application is suitable to be determined under Local Delegated Decision, decision-making route.

Case Officer: Lesley Porteous

Date: 2 August 2023

Authorising Officer

To be completed by an officer as authorised by the Chief Planning Officer to determined applications under delegated powers.

I can confirm that I have checked the Report of Handling and agree the recommendation by the case officer.

Authorising Officer (mRTPI): Damian McAfee

Date: 2 August 2023

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100639744-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Applicant Details

Please enter Applicant details

<p>Title: <input type="text" value="Miss"/></p> <p>Other Title: <input type="text"/></p> <p>First Name: * <input type="text" value="Kirsty"/></p> <p>Last Name: * <input type="text" value="McKerrow"/></p> <p>Company/Organisation <input type="text"/></p> <p>Telephone Number: * <input type="text" value="REDACTED"/></p> <p>Extension Number: <input type="text"/></p> <p>Mobile Number: <input type="text"/></p> <p>Fax Number: <input type="text"/></p> <p>Email Address: * <input type="text" value="REDACTED"/></p>	<p>You must enter a Building Name or Number, or both: *</p> <p>Building Name: <input type="text" value="The Barns"/></p> <p>Building Number: <input type="text"/></p> <p>Address 1 (Street): * <input type="text" value="The Barns,"/> <input type="text" value="by Tomintoul Cottage"/></p> <p>Address 2: <input type="text"/></p> <p>Town/City: * <input type="text" value="Braemar"/></p> <p>Country: * <input type="text" value="United Kingdom"/></p> <p>Postcode: * <input type="text" value="Ab35 5XX"/></p>
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Site Address Details

Planning Authority:

City of Edinburgh Council

Full postal address of the site (including postcode where available):

Address 1:

12 RAEBURN MEWS

Address 2:

STOCKBRIDGE

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH4 1RG

Please identify/describe the location of the site or sites

Northing

674728

Easting

324405

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

I would like to request a review of the recent decision to refuse my application for a change of use to a Short Term Let as I do not agree with your reasons, as detailed in the attached document

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see supported document

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Letter detailing why I would like the decision to be reviewed

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

23/01489/FULSTL

What date was the application submitted to the planning authority? *

19/05/2023

What date was the decision issued by the planning authority? *

02/08/2023

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

There is a gate with a code that needs to be entered in order to get into Raeburn Mews. I would be very happy to provide this information if someone wanted to visit the outside of the house.

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Miss Kirsty McKerrow

Declaration Date: 17/08/2023

Application No 23/01489/FULSTL

I refer to the above and would like to appeal to the Council's recent decision to refuse my application for a change of use to a Short Term Let.

As I understand it, the key reasons detailed in your refusal were that it would have an unacceptable impact on the neighbouring amenity and that the loss of residential accommodation has not been justified.

This application was submitted retrospectively, there have never been any complaints from the neighbourhood and none of the residents objected to my application. Therefore, I cannot understand what negative impact this change of use would present to the neighbouring amenity as it has been functioning perfectly well to date.

As I explained in my proposal, I stay in the property when I am down in Edinburgh for work as well as for breaks when we are visiting family. Therefore, this property would not be rented out on a long-term basis and so there is no loss of residential accommodation.

Your refusal highlighted the fact that this is a main door property with its own parking space. However, it also stated that the introduction of a STL use in this location would have a negative impact due to the increased frequency of movement to the dwelling at unsociable hours. Why would this be so? I do not see how you can presume factors which do not exist. I have already explained there have been no complaints and no objections, surely the residents are the best judge of this assumed negative impact and as no complaints have been made and no objections raised, I do not see this 'increased frequency of movement' as a factor.

The potential for noise was also raised as a reason for the refusal. It is a one-bedroom terraced house which offers accommodation for up to 2 people. Why would having 2 people on holiday create more noise than a family of 4 (my family). Again, I would ask you to remember that in the months it has been functioning as a STL there have been no complaints and none of the residents objected to this application.

I understand the principle of why there is a need to regulate Airbnb's, particularly when owners are using the property on a purely commercial basis or large numbers of guests are accommodated. However, in this case this couldn't be further from the truth. The fact that there have never been any complaints from residents or any objections to this application is testimony to the limitations I have put on any guests using my property. I believe that a change of use to STL would not present any unacceptable impact on the neighbouring amenity, and I believe this has been proven. It is for this reason that I am appealing this decision and I would kindly ask you to review my application.

Sorrell Associates.
FAO: Jim Sorrell
The Green House
41 St Bernard's Crescent
Edinburgh
EH4 1NR

Mr Smith
GF 10 Inverleith Terrace
Edinburgh
EH3 5NS

Decision date: 17 May 2023

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Change of use from dwelling to short-term let (in retrospect).
At 10 Inverleith Terrace Lane Edinburgh EH3 5NP

Application No: 22/03634/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 29 July 2022, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

Reason for Refusal:-

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this property as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal is contrary to National Planning Framework 4 Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short stay let will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01A, 02, 03., represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The proposal is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve the character or appearance of the conservation area.

The change of use of this property to a short term let (STL) will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity or loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Lesley Porteous directly at lesley.porteous@edinburgh.gov.uk.



Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at www.eplanning.scot or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email localreviewbody@edinburgh.gov.uk.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Report of Handling

**Application for Planning Permission
10 Inverleith Terrace Lane, Edinburgh, EH3 5NP**

Proposal: Change of use from dwelling to short-term let (in retrospect).

**Item – Local Delegated Decision
Application Number – 22/03634/FUL
Ward – B05 - Inverleith**

Recommendation

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

Summary

The proposal is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve the character or appearance of the conservation area.

The change of use of this property to a short term let (STL) will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity or loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

SECTION A – Application Background

Site Description

The application site is a newly constructed (2019) two-storey mews building, constructed in the garden of 10 Inverleith Place. The property extends over two floors. There are two bedrooms on the ground floor. Steps lead up to the first floor which has a kitchen, dining/living area/study. The property has its own main door entrance and there is a private rear garden. The applicant lives in the ground and lower ground floor apartment at no.10 Inverleith Terrace and the application property is at the foot of his garden.

The character of the surrounding area is primarily residential with some mixed uses. The application property is directly accessed off Inverleith Terrace Lane. The lane runs between two high stone walls which protect the gardens of no.3 to no.16 Inverleith Place on the north side and Tanfield House office complex to the south. On the north side of the lane there are eight garages and one other dwelling at no.12. On the south side of the lane there are no dwellings. There is a small industrial building at the eastern end. Public transport can be reached within a 5-minute walk.

The application site is in the Inverleith Conservation Area.

Description Of The Proposal

The application seeks permission to change the residential use to a short term let dwelling. The construction of the dwelling was completed in 2019 and has only been used for short term letting since then. The application is therefore retrospective. No internal or external physical changes are proposed.

Supporting Information

Planning statement.
National Planning Framework 4 Planning Statement.

Relevant Site History

No relevant site history.

Other Relevant Site History

15/01280/FUL
GF, 10 Inverleith Terrace
Edinburgh EH3 5NS.
Subdivide Garden and Form 2-storey mews
house with access from Inverleith Terrace Lane.
Granted 20.5.2015.

Consultation Engagement

No consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 17 May 2023
Date of Advertisement: 5 August 2022
Date of Site Notice: 5 August 2022
Number of Contributors: 3

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 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 harm the character or appearance of the conservation area?

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The Inverleith Conservation Area Character Appraisal emphasises the predominance of Georgian, Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of public and private open space. The villa streets are complemented by a profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas are in a considerable variety of architectural styles, unified by the use of local building materials.

There are no external changes proposed. The change of use from a residential premises to a short term let will not have any material impact on the character of the conservation area. The change of use would preserve 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?

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 policies to be considered are:

- NPF4 Sustainable Places Policy 1.
- NPF4 Historic Assets and Places Policy 7.
- NPF4 Productive Places Tourism Policy 30.
- LDP Housing Policy Hou 7.
- LDP Transport Policies Tra 2 and Tra 3.

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering historic assets.

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

Conservation Area

There are no external or internal works proposed and as such there will not be a significant impact on historic assets and places. The proposal complies with NPF 4 Policy 7.

Proposed Use

With regards to NPF 4 Policy 1, the proposals do not involve operational development. 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 relate to STL proposals.

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

The non-statutory Guidance for Businesses (2023) 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 application property has its own main door access off Inverleith Terrace Lane and there is a private garden to the rear. The character of the surrounding area is primarily residential with other mixed uses.

The applicant has provided a planning statement highlighting that the STL use is not just for tourists but for other guests relating to business use. The statement suggests that STL use will not be detrimental to the amenity of other residents as the application property is:- a stand -alone property, has a main door entrance, and is a small dwelling with limited capacity. It also states that the location of the property is secluded and far away from other residential properties.

As the area is primarily residential there is a fairly low ambient noise level and the introduction of an STL use in this location will have a negative impact on the amenity of the surrounding area. Although it has its own main door access, the use of this property as a short term let would have the potential to introduce an increased frequency of movement to the dwelling and private garden at unsociable hours. The proposed two bedroom short stay use would enable visitors to arrive and stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents. There is no guarantee that guests would not come and go frequently throughout the day and night and transient visitors may have less regard for neighbours' amenity than individuals using the property as a principal home. The STL use would raise no privacy issues.

The additional servicing that operating a property as an STL requires compared to that of a residential use is also likely to result in an increase in disturbance, further impacting on neighbouring amenity. However, this would be of lesser impact as it is likely that servicing would be conducted during the daytime.

The potential for noise described above would be significantly different from the ambient background noise that neighbouring residents might reasonably expect and will have a significantly detrimental effect on the living conditions and amenity of nearby residents. The proposal does not comply with NPF 4 policy 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.

Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. The use of the property by guests and the required maintenance and upkeep of STL properties are

likely to result in a level of job creation and spend within the economy which can be classed as having an economic benefit.

The applicant's planning statement confirms that the application property, constructed in 2019, replaced a dilapidated garage and has never been used for longer term residential use. The statement submits that if planning permission was refused the applicant would not wish to sell or rent out for longer term tenancy, consequently not contributing to the city's housing stock. The statement continues to list the economic benefits which the short term use would bring as:- accommodation fees, business for local companies, business rates and guests using local amenities.

The current lawful use of the property is for residential accommodation. Consequently, the use of the property as an STL would result in a loss of residential accommodation, which given the recognised need and demand for housing in Edinburgh is important to retain, where appropriate. The applicant's intention not to offer the property for sale or rent should the application be refused is not a material consideration as the intentions may change and the planning decision sits with the property and not the applicant.

It is accepted that the use of the property by short term let guests will likely result in some economic benefit locally, and that there will be some positive impact on the local economy. However, residential occupation of the property also contributes to the economy, in terms of providing a home and the spend in relation to the use of the property as a home, including the use of local services and resultant employment, and the ability to make contributions to the local community.

In this instance, it has not been sufficiently demonstrated that the loss of the residential accommodation is outweighed by demonstrable local economic benefits. As such, the proposal does not comply with NPF 4 30(e) part (ii).

Parking Standards

The integral garage forms part of the property but is not available to staying guests. There is no off-street car parking available within the site. The site is accessible by public transport. 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 change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7.

c) 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

A summary of the representations is provided below:

material considerations -objections

- Contrary to LDP Hou 7. Addressed in b) above.
- Will reduce housing stock. Addressed in b) above.

non-material considerations- objections

- Not supportive of Scottish Government Housing Policy on 'More Homes' or Scottish Planning Policy on 'Socially Sustainable Places'. The application must be assessed against the statutory development plans.

material considerations -in support

- Use causes no issues and is suitable for this property. Addressed in b) above.
- No overlooking on a permanent basis. Addressed in b) above.

non-material consideration- in support

- Property is well managed.

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 Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve the character or appearance of the conservation area.

The change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity or loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

Reasons

Reason for Refusal

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this property as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal is contrary to National Planning Framework 4 Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short stay let will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 29 July 2022

Drawing Numbers/Scheme

01A, 02, 03.

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Lesley Porteous, Planning Officer

E-mail:lesley.porteous@edinburgh.gov.uk

Appendix 1

Consultations

No consultations undertaken.

Comments for Planning Application 22/03634/FUL

Application Summary

Application Number: 22/03634/FUL

Address: 10 Inverleith Terrace Lane Edinburgh EH3 5NP

Proposal: Change of use from dwelling to short-term let (in retrospect).

Case Officer: Local1 Team

Customer Details

Name: Miss Christine Meldrum

Address: 10/3 Inverleith terrace Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:As a neighbour who overlooks the property I'm supportive of the application.

The property is well managed and causes no issues, given the size and location of the property it's well suited to this use.

Comments for Planning Application 22/03634/FUL

Application Summary

Application Number: 22/03634/FUL

Address: 10 Inverleith Terrace Lane Edinburgh EH3 5NP

Proposal: Change of use from dwelling to short-term let (in retrospect).

Case Officer: Local1 Team

Customer Details

Name: Mrs Kate Graham

Address: 9 Inverleith Terrace Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Dear Sir / Madam,

As next door neighbours, we are very much in support of this planning application. The short term nature of the residents means that there are not people overlooking us on a permanent basis. Also, when visitors come to stay there, they are generally out seeing the sights of Edinburgh most of the day.

We look forward with anticipation to a positive result.

Yours faithfully,

Douglas and Kate Graham.

Stockbridge and Inverleith Community Council

For the Local Team: Application 22/03634/FUL Change of use from dwelling to short-term let (in retrospect). 10 Inverleith Terrace Lane Edinburgh EH3 .

Stockbridge and Inverleith Community Council objects to this application to change from dwelling to short term let. A change of use to short term let would be detrimental to the local residents and is contrary to the Local Development Plan 2016 - Housing Policy Hou 7.

There is a great need for homes for the local residents of Edinburgh whether owned or let. Short term lets remove homes from the housing stock. Short term lets can cause problems for the permanent residents living near them affecting the amenity of local residents and a lack of a more permanent community for the area.

LDP 2016.

Policy Hou 7 Inappropriate Uses in Residential Areas

Developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted.

City Plan 2030 is also relevant and material, even though it is in draft form. It states:

City Plan 2030

Hou 7 Loss of housing - Proposals that would result in the loss of residential dwellings through demolition or a change of use will not be permitted, unless in exceptional circumstances, where it would provide necessary community facilities without loss of amenity for neighbouring residents.

Comment: There are no exceptional circumstances in this case and therefore the application should be refused. The proposed change of use does not support Scottish Government Housing policy on More homes: *“everyone has a quality home that they can afford and that meets their needs”* or Scottish Planning Policy on *“socially sustainable places”* and *“supporting delivery of accessible housing”*.

Stockbridge and Inverleith Community Council are concerned at the spread of short term lets in our area e.g. the colonies being bought up by absentee landlords to let out as Air B and B. This is a dwelling that could be used as a long term let for the community. We understand that the Council and the Scottish Government share that concern and we ask that you refuse this application.

I would be grateful if you would confirm your receipt of the Community Council's objection.

Yours sincerely

Pam Barnes, 13/3 Eton Terrace, Edinburgh EH4 1QD

Planning Officer for the Stockbridge and Inverleith Community Council

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100637463-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	Mr		
		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	10 (GF)
First Name: *	Graeme	Building Number:	
Last Name: *	Smith	Address 1 (Street): *	Inverleith Terrace
Company/Organisation		Address 2:	
Telephone Number: *	[REDACTED]	Town/City: *	Edinburgh
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	EH3 5NS
Fax Number:			
Email Address: *	[REDACTED]		

Site Address Details

Planning Authority:

City of Edinburgh Council

Full postal address of the site (including postcode where available):

Address 1:

10 INVERLEITH TERRACE LANE

Address 2:

INVERLEITH

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH3 5NP

Please identify/describe the location of the site or sites

Northing

675148

Easting

325010

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Use of residential news house for short term letting.

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

The statement of reasons for seeking review is laid out in the attached document, "statement_of_reasons.pdf". The statement of reasons demonstrates why the application should be approved and specifically addresses the two reasons that had been stated for refusal. The application itself is unchanged, but new information is provided with justification for why it was not raised in the initial application.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

No new permissions are requested, nor any changes to the application. Where new information is provided, the reasons for doing so are explained in the supporting document, "statement_of_reasons.pdf". At times, the appeal relies on information from Lord Braid's recent judicial review, from the report commissioned by the council by MKM Economics, and from the council's emerging planning guidance which all became available after the initial application.

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

statement_of_reasons: the statement of reasons for review 10_2_support - signed letter from 10/2 Inverleith Terrace refuting the assertion that the use as a short term let has a materially detrimental effect on the living conditions and amenity of nearby residents. 10_3_support.pdf - as above but from 10/3 Inverleith Terrace 9_support.pdf - as above from 9 Inverleith Terrace (townhouse) All Time Reservations to August 2023 - Airbnb all-time booking history for 10 Inverleith Terrace Lane

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

22/03634/FUL

What date was the application submitted to the planning authority? *

18/07/2022

What date was the decision issued by the planning authority? *

17/05/2023

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

A site visit will allow reviewers to understand why there is no "materially detrimental effect on the living conditions and amenity of nearby residents". Particularly, the reviewers could see the rear area of the plot which isn't visible from the street and appreciate the distance from other houses. Seeing the location will also help reviewers to understand why a visitor accessing the front door could not disturb any neighbour (as there are none to disturb!).

Please select a further procedure *

Holding one or more hearing sessions on specific matters

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

No guidance has been given as to how to address the presumptions in LDP Hou 7 or NPF4 Policy 30(e). I believe that strong evidence has been provided, but would appreciate a chance to discuss in person, for example to discuss the proposed conditions and to discuss the economic model.

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

An unaccompanied site inspection would allow the Local Review Body to see the front of the house on the lane and gain a better appreciation of how the house is quite isolated on the street with only lockups nearby, and there is no opportunity for visitors to disturb neighbours since there are none (unlike a tenement/shared-main-door property). An accompanied visit to see the rear section, see the high garden wall and understand the distance to other houses would also be helpful.

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Graeme Smith

Declaration Date: 17/08/2023

**Supporting document “Statement of reasons for seeking review”
(relating to the appeal against refusal of 22/03634/FUL)**

Summary

It was surprising and disappointing to read that the planning application 22/03634/FUL was refused. I have sympathy with those who suffer disturbance from a STL in a shared stair, or who believe STLs are making it difficult for them to find a starter home, or who experience frustration with absentee landlords, but this property is the exact opposite of these things. It is a fully detached house, well-managed (acknowledged by the council) which has run for 3½ years, 750 occupied nights and over 3,000 person-nights without disturbing nearby residents. It has strong support from nearby residents, and additional comprehensive support from nearby residents attached to this appeal (which refutes the assertion that the use as a short term let has a materially detrimental effect on the living conditions and amenity of nearby residents). It is a new house built in my own garden so I am not an absentee landlord, nor does this remove a property which previously existed from the rental market. It is a high value home (around £1m) which does not contribute to the housing crisis or prevent anyone from finding a starter home. The house is fitted out to a high standard which will easily comply with STL licensing requirements (EPC B, smoke and heat detectors, modern PAT tested appliances). Since safety is apparently a prime reason for legislation for short term lets, this is a consideration when it comes to approval. The house is an asset to the premium end of Edinburgh’s visitor economy and is one of the best-reviewed properties on Airbnb with 123 reviews and a 4.97 star (out of 5.0) rating. The house attracts international families from high income demographics who spend significant amounts in the local economy. As I will show in this appeal, the local economic benefits of this particular house as a short term let far exceed the local economic benefits that the house would have as a rental property. In August 2023, Scottish Government Housing Minister Paul McLennan said, “Short-term let accommodation plays an important role in Scotland’s economy, supporting our tourism and hospitality sector and allowing tourists and holiday-goers somewhere to take them closer to the best that Scotland can offer”. If the council is to grant any planning permission for STLs at all (and we are told there is no de facto ban), then this is exactly the kind of property that ought to be a prime candidate for approval.

The main focus of this appeal is to address the only reasons that were provided for refusal in the decision notice, *“The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this property as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents”* and *“The proposal is contrary to National Planning Framework 4 Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short stay let will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified”*.

I ask that the local review board reviews the context and each of the following reasons for seeking review and grants this appeal.

1. Reason for review #1: proposal is not contrary to LDP Hou 7 or NPF 4 policy (e) part (i)

The first of two reasons for refusal was stated as, *“The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this property as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents”.*

The decision handling statement elaborated, *“Amenity The application property has its own main door access off Inverleith Terrace Lane and there is a private garden to the rear. The character of the surrounding area is primarily residential with other mixed uses. The applicant has provided a planning statement highlighting that the STL use is not just for tourists but for other guests relating to business use. The statement suggests that STL use will not be detrimental to the amenity of other residents as the application property is:- a stand-alone property, has a main door entrance, and is a small dwelling with limited capacity. It also states that the location of the property is secluded and far away from other residential properties. As the area is primarily residential there is a fairly low ambient noise level and the introduction of an STL use in this location will have a negative impact on the amenity of the surrounding area. Although it has its own main door access, the use of this property as a short term let would have the potential to introduce an increased frequency of movement to the dwelling and private garden at unsociable hours. The proposed two bedroom short stay use would enable visitors to arrive and stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents. There is no guarantee that guests would not come and go frequently throughout the day and night and transient visitors may have less regard for neighbours' amenity than individuals using the property as a principal home. The STL use would raise no privacy issues. The additional servicing that operating a property as an STL requires compared to that of a residential use is also likely to result in an increase in disturbance, further impacting on neighbouring amenity. However, this would be of lesser impact as it is likely that servicing would be conducted during the daytime. The potential for noise described above would be significantly different from the ambient background noise that neighbouring residents might reasonably expect and will have a significantly detrimental effect on the living conditions and amenity of nearby residents. The proposal does not comply with NPF 4 policy 30(e) part (i) and LDP policy Hou 7.”*

Not all of the information presented in this section was in the initial planning application from July 2022 because Edinburgh Council only updated its guidance in April 2023 to state how LDP Hou 7 and NPF 4 Policy 30(e) would be applied. We were “flying blind” due to a lack of guidance and a lack of decisions taken which would give us insight into how the guidance would be applied. Additionally, some of the content in this section relates to the Judicial Review of the City of Edinburgh Council Short Term Lets Licensing Policy which was only carried out in June 2023, after which Lord Braid’s report became available.

I ask that the local review board reviews the information in this section and accepts that the proposal is not contrary to LDP Hou 7 or NPF policy (e) part (i).

1.1 Testimony from nearby residents disproves the assertion

The assertion that the property “will have a significantly detrimental effect on the living conditions and amenity of nearby residents” is disproven by the real data and lived experiences of nearby residents. The property has been running as a short term let for 3½ years now, with over 750 occupied nights and over 3,000 person-nights. If there was any materially detrimental effect on living conditions or amenity, my neighbours would know about it by now. To the contrary, my nearest neighbours have signed letters (see the attachments to this appeal) which assert that there is no materially detrimental effect on their living conditions or amenity. The assertion is therefore disproven.

1.2 Scottish Government’s own Airbnb report confirms that the majority of issues relating to living conditions and amenity related to tenements and shared main door accommodation

The Scottish Government has produced its own report¹, “Research into the impact of short-term lets on communities across Scotland”. In the section “Negative impact on quality of life and well-being”, the report notes, “This related particularly to tenemental, but also other types of high-density properties with shared spare and common stairs/closes”. If STLs are to be permitted in these environments (and we know they are from the recent judicial review, see 1.3 below) then these issues cannot be a reason to refuse planning permission in the much lower risk environment of a detached house.

1.3 Edinburgh Council acknowledges most complaints about secondary letting arise in tenemental or other shared residential space (not detached properties) and that they expect to allow STLs in tenements or shared main door accommodation (therefore this lower risk application should be approved)

There was a Judicial Review of the City of Edinburgh Council Short Term Lets Licensing Policy in June 2023. Insights from Lord Braid’s review provide new information which I ask the local review board to consider with a view towards granting permission. This information was not available until June 2023, which is why it was not presented in the application.

Andrew Mitchell (Regulatory Services Manager at Edinburgh Council) is quoted in the text of the Judicial Review, *“Most complaints were about secondary letting in a tenemental or “other shared residential space” and he continued, “I expect that STL licences will be granted for secondary letting in some tenements or in accommodation with a shared main door...I would expect any well run businesses who can show good management arrangements and no history of a problem to have reasonable prospects of obtaining a STL licence...My view applies to all types of STL, be it home sharing, home letting and secondary letting even in tenements or shared main door accommodation”*.

From this:

1

<https://www.gov.scot/binaries/content/documents/govscot/publications/research-and-analysis/2019/10/research-impact-short-term-lets-communities-scotland/documents/people-communities-places-research-impact-short-term-lets-communities-scotland/people-communities-places-research-impact-short-term-lets-communities-scotland/govscot%3Adocument/people-communities-places-research-impact-short-term-lets-communities-scotland.pdf>

- LDP Hou 7 and NPF Policy 30(e) do not present insurmountable barriers to short-term letting in tenements or other shared main door accommodation (let alone the lower risk environment of detached houses). There is no “de facto ban”.
- As shown in the data regarding complaints, tenements and main-door properties present a much greater risk of “materially detrimental effect on the living conditions and amenity of nearby residents” than an isolated detached house such as 10 Inverleith Terrace Lane. If short term letting is to be accepted in tenements and shared main-door accommodation, then it should be accepted in the lower risk environment of an isolated detached house.

1.4 Further detail about the situation of the house, which explains why nearby residents do not experience any detrimental effect on living conditions or loss of amenity

There are several reasons why nearby residents do not experience any detrimental effect on living conditions or loss of amenity (other than careful management):

- The location of the house is isolated on Inverleith Terrace Lane. The garden of the house begins at the (very) far end of my garden at 10/1 Inverleith Terrace, and is bounded by a high stone wall which limits any potential for disturbance.
- When someone is accessing the house, they enter the lane from Inverleith Row. The lane is bounded by two shops, they pass lockup garages and the “yard” of Tanfield commercial site over the wall. There are no other houses on the way to 10 Inverleith Terrace Lane, only the (far) bottom end of the gardens for Inverleith Terrace, isolated by high walls. While I have every sympathy with people living in tenements who have people coming and going frequently dragging suitcases on staircases, none of that is the case here. People come directly to the door of the detached house. Even if someone pulled a suitcase along the lane, there is literally no-one who could hear them. I wonder if there was a misunderstanding about the other “grey boxes” next to the house on the location plan - apart from 12 Inverleith Terrace Lane, the other gray boxes are garages and lockups, not houses.
- The assertion that the use will result in an increased frequency of movement compared to a residential use is untrue. Due to the nature of the property (suitable for families, high cleaning/linen cost), it attracts long bookings. The house accepted just 43 bookings in 2021 and 55 bookings in 2022, which is an average of less than one booking per week. It simply cannot be said that guests arriving or leaving once per week is in any way a material concern.
- The assertion that “additional servicing” needed for this property compared with a residence is untrue. The cleaner calls on average less than once per week, which is simply immaterial to anyone’s living conditions or amenity. The cleaner always calls at sociable hours, around 11am after guests have checked out at 10am.
- In fact, the property gets far fewer visits or deliveries than a residential house. At a typical residential property, each person receives an average 74 parcel deliveries per year (<https://channelx.world/2021/10/uk-has-most-parcels-per-person-in-the-world/>) and 228 pieces of Royal Mail per year (<https://channelx.world/2019/02/how-many-letters-do-royal-mail-deliver/>). The property does not routinely get deliveries or mail because nobody is living there. Therefore, there is less opportunity for disturbance to neighbours, which is borne out in their lived experience and statements of support.

- It is not true that Inverleith Terrace Lane has a “fairly low ambient noise level”. It is a busy lane as it leads to and from the Rocheid Path connecting to the Water of Leith. It experiences considerable traffic from the houses and office buildings at the far end of the lane. Groups of passers by talking amongst themselves continue well into the “wee hours”. From the house, we hear the sirens of emergency vehicles on nearby streets. We hear the bin collections on Inverleith Row that start as early as 6am, and the bin collections from Tanfield Yard that start as early as 5am. I encourage anyone who is unconvinced about the ambient noise level to spend some time in the lane. I will also be happy to make CCTV footage available that shows the extent of traffic (pedestrians, bicycles including tour groups, cars, vans and bin lorries) that pass the house from the early morning until late at night.

I ask that the local review board reviews all of the information provided above and accepts that the application complies with LDP Hou 7 and NPF 4 Policy 30(e) part (i).

2. Reason for review #2: proposal is not contrary to NPF 4 Policy 30(e) part (ii)

Let us turn to the second reason for refusal, *“The proposal is contrary to National Planning Framework 4 Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short stay let will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified”*.

The decision handling notice elaborates, *“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. Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. The use of the property by guests and the required maintenance and upkeep of STL properties are likely to result in a level of job creation and spend within the economy which can be classed as having an economic benefit. The applicant's planning statement confirms that the application property, constructed in 2019, replaced a dilapidated garage and has never been used for longer term residential use. The statement submits that if planning permission was refused the applicant would not wish to sell or rent out for longer term tenancy, consequently not contributing to the city's housing stock. The statement continues to list the economic benefits which the short term use would bring as:- accommodation fees, business for local companies, business rates and guests using local amenities. The current lawful use of the property is for residential accommodation. Consequently, the use of the property as an STL would result in a loss of residential accommodation, which given the recognised need and demand for housing in Edinburgh is important to retain, where appropriate. The applicant's intention not to offer the property for sale or rent should the application be refused is not a material consideration as the intentions may change and the planning decision sits with the property and not the applicant. It is accepted that the use of the property by short term let guests will likely result in some economic benefit locally, and that there will be some positive impact on the local economy. However, residential occupation of the property also contributes to the economy, in terms of providing a home and the spend in relation to the use of the property as a home, including the use of local services and resultant employment, and the ability to make contributions to the local community. In this instance, it has not been sufficiently demonstrated that the loss of the residential accommodation is outweighed by demonstrable local economic benefits. As such, the proposal does not comply with NPF 4 30(e) part (ii).”*

Similarly to reason #1, not all of the information presented in this section was in the initial planning application from July 2022 because Edinburgh Council only updated its guidance in April 2023 to state how LDP Hou 7 and NPF 4 Policy 30(e) would be applied. Even now there is a lack of guidance about how to address the presumptions in these policies and the reasons in the decision handling statement came as a surprise and are not true. I am also aware that there is an upcoming judicial review of the Edinburgh Council planning process. Some of this section refers to information in the report commissioned by the council by MKM Economics, "Economic Impact of Residential and Short-Term Let Properties in Edinburgh" which only became available in June 2023. Additionally, some of the content in this section refers to statements in Lord Braid's report from the Judicial Review of the City of Edinburgh Council Short Term Lets Licensing Policy which took place in June 2023.

From the decision handling statement, I understand that the requirement is to demonstrate that the "loss" of the residential accommodation is outweighed by demonstrable local economic benefits, and this is what I will show in this section.

The house can be shown to generate more local income, income tax, local spending, council tax/business rates and local jobs as a short term let than a residence

2.1 The house is substantially different to the "average" considered in the MKM Economics report commissioned by Edinburgh Council

As I was considering how to sufficiently demonstrate that the "loss" of the residential accommodation is outweighed by demonstrable local economic benefits, it made sense to search for material relating to this topic. I became aware that Edinburgh Council had recently commissioned a report² from MKM Economics, "Economic Impact of Residential and Short-Term Let Properties in Edinburgh". Predictably (considering that the council was paying for the report), the model developed by the team found a slight economic benefit overall from residential properties over short-term let properties. However, as noted in the report, *"Care needs to be taken with how the Economic Report is used. It is one source of information that can be considered when assessing the economic impacts of shortterm let planning applications. In respect of the NPF4 policy that the change of use of residential accommodation for short-term lets should only be supported where this is outweighed by "demonstrable local economic benefits", the Economic Report indicates that the conversion of residential accommodation would, generally, be expected to result in a loss of GVA, i.e. economic disbenefits. **Given it is considering generalities rather than the specifics of an individual case, it is likely that only limited weight can be attached to it as a material consideration when making planning application decisions. Each planning application requires to be considered on its own merits. Applicants may be able to provide evidence that specific changes of use will deliver demonstrable economic benefits.** The economic impacts are likely to vary depending upon the specifics of the property in question coupled with the overall tone of the market. For example, one aspect of the report is that it makes assumptions on occupancy rates. If the number of short-term lets in*

² Report is in Appendix 1 at <https://democracy.edinburgh.gov.uk/documents/s58449/9.1%20-%20Economic%20Impact%20of%20Residential%20and%20Short-term%20Let%20Properties%20in%20Edinburgh.pdf>

Edinburgh reduces, there may be potential that occupancy rates could increase. This could potentially increase the economic impact of an average short-term let. “

In the case of this particular property, the generalities considered by the report are very far away from the specifics of the property.

The MKM report estimates that a 2 bed property in this location would generate a Gross Annual National and Local Taxation of £17,952 and a Net Annual Local GVA Impact of £13,608 as a residential property or Gross Annual National and Local Taxation of £21,880 and Net Annual Local GVA Impact of £8,855 as a Short Term Let. See Figure 1 from the report below.

Edinburgh North and Leith - Residential				Edinburgh North and Leith - Short Term Let			
Unit Size	Net Local FTE Jobs	Net Annual Local GVA Impact	Gross Annual National and Local Taxation	Unit Size	Net Local FTE Jobs	Net Annual Local GVA Impact	Gross Annual National and Local Taxation
1 bed	0.19	£ 7,500	£ 7,290	1 bed	0.23	£ 4,765	£ 12,331
2 bed	0.34	£ 13,608	£ 17,952	2 bed	0.43	£ 8,855	£ 21,880
3 bed	0.53	£ 21,304	£ 24,712	3 bed	0.66	£ 13,437	£ 32,556
4 bed	0.68	£ 27,215	£ 35,104	4 bed	0.64	£ 13,044	£ 32,195
5 bed	0.84	£ 33,866	£ 47,523	5 bed	0.96	£ 19,624	£ 47,763

Figure 1 - table from Edinburgh Council commissioned report

However, the estimates in the report are very far from the actual values for this property.

For a start, this property is band F, whereas the report assumes the property band for a 2 bed property in Edinburgh North and Leith would be A-C.

If the property was a residence, the report assumes that 1.1 working adults would reside in this 2 bed property with an average salary of £37,461 so a combined income of £41,207. If that were true, it is unlikely that they could afford the estimated residential rent of £2,500 per month (£30,000 annually - estimate provided by Retties).

If the property was a short term let (which it is), we can use real data to compare with the estimates from the model in the report:

- The report predicts gross annual and national taxation of £21,880 and net annual local GVA impact of £8,855.
- The formula for calculating gross annual national and local taxation has not been shared, but the inputs include council tax plus short term rental revenue and daily expenditure by each visitor. The model assumes an average daily rate of £160.23 and 71% occupancy for a 2 bed property in North and Leith, which gives us an annual rental income of £41,523 (much less than the actual rental income of £65,881 for the property in 2022).
- The report estimates average spending per day for a visitor to Edinburgh North & Leith to be £97.50, and we are told that this includes accommodation costs. Again, since the property actually rents for anywhere between £275 and £550 per night, the model does not correctly predict the rental value for this property.

In summary, we can see that the generalities in the model do not apply to this specific property.

2.2 The house generates more local income, national tax, local tax and local spending as a STL than it would as a residence

Figure 2 shows a simple financial model that thoroughly demonstrates that the local economic benefits of having this property as a short term let far exceed those of having it as a residential property. In summary (based mostly on actual figures from 2022), the property as a short term let generates £153,922 local income compared with £36,262 if the property was a residence (and that’s generously assuming that it would be a long-term rental property rather than an owned property which was generating no rent at all). The annual local benefit of having the property as a STL is therefore £117,660.88.

10 Inverleith Terrace Lane		
	Short term let	Residential property
Gross local rental income (actual for STL in 2022, estimated for residence)	£65,881	£27,000
Net local rental income after 21% tax (as per MKM report)	£52,046	£21,330
Local income (visitor spending estimated)	£93,360	
Local income (resident spending estimated)		£12,000.00
Local income (cleaning & linen actual for STL in 2022)	£5,584.89	
Council tax, water, sewerage	£2,931.55	£2,931.55
Total local income	£153,922	£36,262
Annual local benefit of STL	£117,660.88	

Figure 2 - summary of economic benefit of 10 Inverleith Terrace Lane as a short term let vs a residence

Explaining how the model is produced:

- Gross local rental income is the actual rental income for the property in 2022. The estimated rental income as a residential property is based on an estimate of £2,500 per month from Retties with an assumed 90% occupancy. We must consider local rental income as a local economic benefit because I am a local landlord rather than an absentee/non-local landlord, and because the Scottish Government has produced its own report³, “Research into the impact of short-term lets on communities across Scotland” where it lists “Increased household income and STLs business earnings” as a recognised benefit.

³

<https://www.gov.scot/binaries/content/documents/govscot/publications/research-and-analysis/2019/10/research-impact-short-term-lets-communities-scotland/documents/people-communities-places-research-impact-short-term-lets-communities-scotland/people-communities-places-research-impact-short-term-lets-communities-scotland/govscot%3Adocument/people-communities-places-research-impact-short-term-lets-communities-scotland.pdf>

- Net local rental income is calculated after 21% tax. In fact I pay a higher rate of tax but the economic model commissioned by the council used 21% and so this is what I've used here. Even if we assumed a higher rate of income tax, it makes no material difference to the bottom line of the model. Although some income tax will become a "local benefit" as it is allocated to local spending, I have not included that in this model. If anything, it would widen the gap between the economic benefit of having the property as a short term let because the short term let generates more income tax.
- Local income (visitor spending estimated) is calculated based on 1,167 person-nights in 2022 (actual) and a spending rate of £80 per day. Other figures for visitor spending aren't available. VisitScotland's figures for spending per visitor per day include accommodation and are averages (not taking into account whether a property is "upscale" or not). £80 per person-night is a conservative estimate - I know from experience that my guests are taking expensive tours and often eating at Michelin star/Michelin guide restaurants so they are typically spending much more than this.
- Local income (resident spending estimated) is simply based on £1,000 per month of local spending for a couple or family staying in the property. People typically spend much less "living" than they do when they are visiting or on business travel. Going back to the report commissioned by the council, if the couple living in the property had an income of £41,207 and so frankly £1,000 per month of local spending after they already paid the rent is on the optimistic side.
- Local income (cleaning & linen actual for STL in 2022) is based on real spending with Polished Scot Limited in 2022. See Figure 3 below.
- Council tax, water and sewerage is based on the actual band F amount.
- The model assumes that the STL would be paying council tax rather than business rates (which is the same assumption as the MKM model commissioned by the council). Although I have applied, I have not yet received a valuation for business rates and have been paying full council tax for the time being.

The case is so clear that even huge errors in the estimates in the model wouldn't affect the bottom line outcome that the local economic benefits of the property as a short term let far exceed the local economic benefits of the property as a residence.

Your transactions [Download](#)

Date ↓	Type	Description	Paid in	Paid out
30 Nov 2022		TOMEK		-£349.06
11 Nov 2022		TOMEK		-£581.76
05 Oct 2022		TOMEK		-£465.41
31 Aug 2022		TOMEK		-£581.76
02 Aug 2022		TOMEK		-£698.11
30 Jun 2022		TOMEK		-£465.41
10 Jun 2022		TOMEK		-£698.11
05 May 2022		TOMEK		-£698.11
05 Apr 2022		TOMEK		-£349.06
04 Mar 2022		TOMEK		-£465.40
04 Feb 2022		TOMEK		-£232.70

Figure 3 - payments to Polished Scot (cleaning and linen) in 2022

In addition to the tangible/estimable economic impacts, there are positive non-economic impacts. As addressed in the section above, the neighbourhood is quieter and has fewer deliveries and less traffic thanks to the property's use as a short term let. My neighbours at number 9 Inverleith Terrace specifically asked in their original comment of support that permission be granted because they prefer it being a short term let and do not want to be "permanently overlooked". Since the property is at the end of my garden, my point of view as a neighbour (as well as the applicant) should also be a material consideration and I do not want the stress of having a tenant at the bottom of my garden who could potentially cause difficulty in the neighbourhood and would be near-impossible to get rid of compared with short-term rentals which are time-bound and carefully managed. The property makes a genuine, incremental and valuable contribution to local visitor accommodation which cannot be replaced like-for-like by an aparthotel or hotel. The house has an unusually high visitor rating of 4.97 stars across 121 reviews on Airbnb and there simply is no alternative family accommodation near the Botanic Gardens for visitors attending weddings (for example) or visiting family in the area.

I ask that the local review board considers this information and accepts that the application is not contrary to NPF policy (e) part (ii).

Reason for review #3: Addressing the objection from Inverleith & Stockbridge Community Council

The objection from Inverleith & Stockbridge Community Council came as a surprise. I have engaged with them and have been invited to join their next meeting on September 13th. I am hopeful that they will review this appeal and change their objection to a statement of support or at least withdraw the objection.

In addition to the points already addressed in this appeal, I noted issues with the objection.

The objection noted, "City Plan 2030 is also relevant and material, even though it is in draft form" but Edinburgh Council's own decision handling notice explained this cannot be considered material.

The objection makes the same incorrect assumptions about the number of comings-and-goings as the planning decision. I believe that this is thoroughly addressed in Reason 1 above. As explained above, the property type means that it has less than one group of guests per week on average and therefore just one visit from the cleaner per week. The property receives far fewer deliveries than a typical residential property, and so overall there are fewer comings-and-goings than a residential property.

The objection noted "Stockbridge and Inverleith Community Council are concerned at the spread of short term lets in our area e.g. the colonies being bought up by absentee landlords to let out as Air B and B". This is irrelevant to my application since my property is not a colony property nor am I an absentee landlord. This was a newly built property built at the bottom of my own garden where I continue to live today and carefully manage the property.

The objection noted the Scottish Government's statements, "everyone has a quality home that they can afford and that meets their needs" and Scottish Planning Policy on "socially sustainable places" and "supporting delivery of accessible housing". This is a 3-bed detached house in Inverleith worth around £1m. It's hardly the kind of property that could be described as affordable or accessible and its "loss" is not stopping anyone from getting onto the property ladder. I have every sympathy with STL legislation targeting properties in social housing or tenements which could otherwise be affordable options for buyers, but that isn't the case here. Surely it isn't the position of the government or council that we need to make it easier for millionaires to buy detached mews homes in Inverleith. When Andrew Mitchell is quoted in the recent judicial review explaining that some short term lets will be approved in tenements and shared-main-door properties, how can it be consistent to suggest that this short term let in a high-value detached property should not be approved?

I am hopeful that Inverleith & Stockbridge Community Council will change their objection to a statement of support or at least withdraw the objection. I also ask that the local review board takes into consideration the issues raised above with the objection.

Reason #4 - offer of conditions for planning

I have become aware that some planning applications are approved with conditions and I would like to engage with the local review board and Edinburgh City Council to understand whether the application could be approved with conditions. For example:

- Could the application be approved on the condition that visitors do not use the garden after 10pm? In fact, all visitors already agree to a strict no-party/noise policy and there has genuinely never been a problem in 3.5 years. However, I would be happy to accept restrictions on the use of the garden if that would enable planning permission to be granted.
- Could the application be approved on the condition that the permission is bound to me continuing to stay at 10/1 Inverleith Terrace as my primary residence and would

not survive the sale of either property? The council already noted that the property is well-managed, and this is a condition that I would be happy to accept.

- Can the local review board envisage another condition or conditions which would enable them to grant planning permission?

Reason for seeking review #5 - house is on the same land as my primary residence

It is understood that planning permission for change of use to short term let is not required by Edinburgh City Council if the property is the owners' primary residence. This topic was mentioned in the original application, but perhaps not made fully clear. I ask the local review board to take into consideration that I built this house in the garden of my primary residence and there are no separate title deeds (it is the same package of land). I ask that the local review board either (i) decide that the house at 10 Inverleith Terrace Lane can in fact be treated as part of my 'primary residence' and so no planning permission is needed, or at least, (ii) agree that the fact the house at 10 Inverleith Terrace Lane is on the same land as my primary residence should be taken into account as an unusual circumstance which can be a material consideration with a view towards granting permission.

Reason for seeking review #6 - long period of trouble-free operation

It is understood that planning permission for change of use is not required by Edinburgh City Council if the property has been operating as a short term let for more than 10 years, and instead a Certificate Of Lawfulness could be applied for. It is further understood that other councils in Scotland have adopted a much lower time limit and that there is an upcoming judicial review into the planning process of Edinburgh City Council where this will be reviewed. I ask that the local review board considers that the house has only ever been used as a short term let and has done so successfully and trouble-free for 3½ years, over 750 occupied nights and over 3,000 person-nights. This is more than enough time to establish that it is well-managed (as the original planning decision accepts), and indeed that it does not create any "*materially detrimental effect on the living conditions and amenity of nearby residents*". While this time period is less than the council's 10 year threshold and it is not currently possible to apply for a Certificate of Lawfulness, the ask of the local review board is to take in to account that the prolonged successful and trouble-free operation of the property as a short-term let should be a material consideration in favour of granting planning permission.



Hi Elizabeth

In Gina's absence, see e-mail below. I haven't had any confirmation that the applicant of 22/03634/FUL (10, Inverleith Terrace Lane) has sought a review of the decision. Also, I've checked the DPEA website and there is no record of this appeal. Can we trace it though the appeal ref no?

Thanks
Lesley.

From: Libby Heathcote <libby.heathcote@reiachandhall.co.uk>
Sent: Monday, August 21, 2023 10:05 AM
To: Lesley Porteous <Lesley.Porteous@edinburgh.gov.uk>
Cc: dpea@gov.scot; stockbridgeandinverleithcc@gmail.com; graeme.smith.uk@gmail.com
Subject: Planning Application Ref 22/0364/FUL (appeal ref 100637463-001)

 External email >

 First time sender >

Dear Lesley,

Regarding Planning Application Ref 22/0364/FUL we live at No 12 Inverleith Terrace Lane, 2 doors away from the property in question. We have only had positive experiences of those renting the mews at No 10 and we welcome the company on the lane as other than No 10 we are the only other residence. We have not experienced any detrimental effects on our living conditions or amenity.

I understand the appeal deadline was 17/08/2023, unfortunately I was on annual leave last week and missed this, please could you to accept this e-mail as an additional attachment of support to the appeal for 22/0364/FUL (appeal ref 100637463-001)? If you require this in a

different format or via the eplanning portal please let me know.

Your Sincerely

Libby Heathcote

Libby Heathcote

REIACH AND HALL ARCHITECTS

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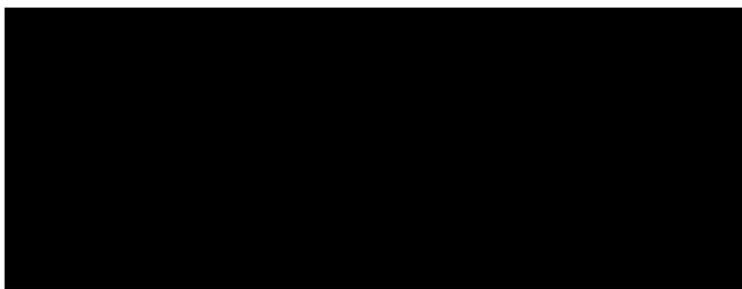
libby.heathcote@reiachandhall.co.uk

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Libby Heathcote

REIACH AND HALL ARCHITECTS



Kate Graham

9 Inverleith Terrace
Edinburgh
EH3 5NS

1st August 2023

Dear Edinburgh City Council,

REGARDING PLANNING APPLICATION 22/0364/FUL (AND APPEAL)

Your planning decision (refusal) of my neighbour's planning application contains multiple assertions which are untrue in my experience as an immediate neighbour of the property (my family live in the townhouse at 9 Inverleith Terrace)..

You stated that, "There is no guarantee that guests would not come and go frequently throughout the day and night and transient visitors may have less regard for neighbours' amenity than individuals using the property as a principal home", "The additional servicing that operating a property as an STL requires compared to that of a residential use is also likely to result in an increase in disturbance, further impacting on neighbouring amenity" and "The potential for noise described above would be significantly different from the ambient background noise that neighbouring residents might reasonably expect and will have a significantly detrimental effect on the living conditions and amenity of nearby residents".

I am writing to tell you that none of these statements describe my lived experience as an immediate neighbour of the property. We do not experience any detrimental effect on living conditions or amenity whatsoever. The property is accessed from the lane and we aren't even aware when guests leave or arrive or a cleaner visits the property.

You should amend your decision and grant my neighbour's appeal.

Sincerely,

A large black rectangular redaction box covering the signature area.

Kate Graham

Sam Williamson

10/2 Inverleith Terrace
Edinburgh
EH3 5NS

1st August 2023

Dear Edinburgh City Council,

REGARDING PLANNING APPLICATION 22/0364/FUL (AND APPEAL)

Your planning decision (refusal) of my neighbour's planning application contains multiple assertions which are untrue in my experience as an immediate neighbour of the property.

You stated that, "There is no guarantee that guests would not come and go frequently throughout the day and night and transient visitors may have less regard for neighbours' amenity than individuals using the property as a principal home", "The additional servicing that operating a property as an STL requires compared to that of a residential use is also likely to result in an increase in disturbance, further impacting on neighbouring amenity" and "The potential for noise described above would be significantly different from the ambient background noise that neighbouring residents might reasonably expect and will have a significantly detrimental effect on the living conditions and amenity of nearby residents".

I am writing to tell you that none of these statements describe my lived experience as an immediate neighbour of the property. We do not experience any detrimental effect on living conditions or amenity whatsoever. The property is accessed from the lane and we aren't even aware when guests leave or arrive or a cleaner visits the property.

You should amend your decision and grant my neighbour's appeal.

Sincerely,

Sam Williamson



Christine Meldrum

10/3 Inverleith Terrace
Edinburgh
EH3 5NS

1st August 2023

Dear Edinburgh City Council,

REGARDING PLANNING APPLICATION 22/0364/FUL (AND APPEAL)

Your planning decision (refusal) of my neighbour's planning application contains multiple assertions which are untrue in my experience as an immediate neighbour of the property.

You stated that, "There is no guarantee that guests would not come and go frequently throughout the day and night and transient visitors may have less regard for neighbours' amenity than individuals using the property as a principal home", "The additional servicing that operating a property as an STL requires compared to that of a residential use is also likely to result in an increase in disturbance, further impacting on neighbouring amenity" and "The potential for noise described above would be significantly different from the ambient background noise that neighbouring residents might reasonably expect and will have a significantly detrimental effect on the living conditions and amenity of nearby residents".

I am writing to tell you that none of these statements describe my lived experience as an immediate neighbour of the property. We do not experience any detrimental effect on living conditions or amenity whatsoever. The property is accessed from the lane and we aren't even aware when guests leave or arrive or a cleaner visits the property.

You should amend your decision and grant my neighbour's appeal.

Sincerely,

A large black rectangular redaction box covering the signature area.

Christine Meldrum

Confirmation code	Guest name	# of adults	# of children	# of infants	# guests	Start date	End date	# of nights	Booked	Earnings	Person-nights
HM4JMNAYAB	REDACTED (privacy)	5	1	0	6	15/08/2023	18/08/2023	3	17/04/2023	£1,423.83	18
HMD9M9QMA5	REDACTED (privacy)	4	0	0	4	13/08/2023	27/08/2023	14	03/01/2023	£0.00	56
HMCAT2AD3B	REDACTED (privacy)	6	0	0	6	10/08/2023	13/08/2023	3	04/01/2023	£1,423.83	18
HMJKWMMK3	REDACTED (privacy)	4	0	0	4	07/08/2023	09/08/2023	2	13/07/2023	£1,182.83	8
HMZ9EKFMW2	REDACTED (privacy)	6	0	0	6	04/08/2023	07/08/2023	3	09/02/2023	£1,713.03	18
HMNEAP4MM9	REDACTED (privacy)	2	3	0	5	29/07/2023	01/08/2023	3	22/06/2023	£1,033.41	15
HMTEYB9KQ	REDACTED (privacy)	4	1	1	6	25/07/2023	29/07/2023	4	11/01/2023	£1,472.03	24
HM3XFSWAQ4	REDACTED (privacy)	6	0	0	6	21/07/2023	24/07/2023	3	12/02/2023	£1,134.62	18
HMKRT3QS2Q	REDACTED (privacy)	3	2	0	5	9/7/2023	16/7/2023	7	22/2/2023	£2,129.95	35
HM3TX52YCZ	REDACTED (privacy)	5	0	0	5	6/7/2023	9/7/2023	3	18/3/2023	£1,134.63	15
HMTCAZNBV	REDACTED (privacy)	5	0	0	5	4/7/2023	6/7/2023	2	25/6/2023	£729.75	10
HMMQA5AEFJ	REDACTED (privacy)	4	2	0	6	1/7/2023	4/7/2023	3	23/1/2023	£1,134.62	18
HMM98HSTP	REDACTED (privacy)	2	4	0	6	28/6/2023	1/7/2023	3	5/4/2023	£970.75	18
HMR9HNEHAQ	REDACTED (privacy)	6	0	0	6	21/6/2023	27/6/2023	6	10/10/2022	£1,735.20	36
HMSRM39RX	REDACTED (privacy)	6	0	0	6	16/6/2023	18/6/2023	2	14/4/2023	£720.11	12
HMSFZY4Z	REDACTED (privacy)	2	2	0	4	14/6/2023	16/6/2023	2	23/4/2023	£625.63	8
HMQ4KBZYVW	REDACTED (privacy)	6	0	0	6	10/6/2023	14/6/2023	4	12/2/2023	£1,259.95	24
HM4JZDKWY	REDACTED (privacy)	6	0	0	6	6/6/2023	10/6/2023	4	5/4/2023	£1,259.95	24
HMB3TA3ZQJ	REDACTED (privacy)	2	3	0	5	31/5/2023	5/6/2023	5	29/1/2023	£1,563.61	25
HMT4K24MSQ	REDACTED (privacy)	4	0	0	4	28/5/2023	31/5/2023	3	15/1/2023	£975.57	12
HMSRBXATD	REDACTED (privacy)	3	0	0	3	25/5/2023	28/5/2023	4	2/12/2022	£864.71	12
HMQWTK4CM	REDACTED (privacy)	4	0	0	4	15/5/2023	22/5/2023	7	26/11/2022	£1,609.64	28
HMMWACXMMFY	REDACTED (privacy)	3	0	1	4	9/5/2023	15/5/2023	6	10/3/2023	£1,640.73	24
HMZ3PDKCD	REDACTED (privacy)	6	0	0	6	5/5/2023	8/5/2023	3	1/12/2022	£797.23	18
HMNDSD8H82	REDACTED (privacy)	4	0	0	4	28/4/2023	1/5/2023	3	8/11/2022	£917.73	12
HMT3KFEJSJ	REDACTED (privacy)	4	0	0	4	8/4/2023	15/4/2023	7	25/11/2022	£1,535.89	28
HMW5ESH5FR	REDACTED (privacy)	6	0	0	6	6/4/2023	8/4/2023	2	27/3/2023	£577.91	12
HMN09CYFSB	REDACTED (privacy)	2	3	0	5	30/3/2023	6/4/2023	7	12/12/2022	£1,454.78	35
HMJETZ8Z8Z	REDACTED (privacy)	4	0	0	4	24/3/2023	27/3/2023	3	31/12/2022	£811.69	12
HMXHB88SQ4	REDACTED (privacy)	6	0	0	6	19/3/2023	22/3/2023	3	16/2/2023	£682.04	18
HM9XJ3X2WF	REDACTED (privacy)	5	0	0	5	12/3/2023	18/3/2023	6	25/9/2022	£1,110.53	30
HMECDK4DX4	REDACTED (privacy)	6	0	0	6	9/3/2023	12/3/2023	3	5/1/2023	£811.69	18
HMB8325ZCZ	REDACTED (privacy)	2	2	0	4	13/2/2023	17/2/2023	4	3/1/2023	£816.51	16
HMC5MBWQSK	REDACTED (privacy)	5	0	0	5	10/2/2023	13/2/2023	3	10/10/2022	£796.26	15
HMC3R5QJ3A	REDACTED (privacy)	5	0	0	5	30/1/2023	4/2/2023	5	15/11/2022	£1,118.24	25
HMTFF02YSE	REDACTED (privacy)	6	0	0	6	11/12/2022	8/1/2023	28	9/6/2022	£5,998.31	168
HMXQBMMWSDP	REDACTED (privacy)	6	0	0	6	6/12/2022	10/12/2022	4	8/10/2022	£1,232.96	24
HMQ8JRZ9	REDACTED (privacy)	5	0	0	5	2/12/2022	5/12/2022	3	12/8/2022	£790.48	15
HMXHSN0XNM	REDACTED (privacy)	4	0	0	4	20/11/2022	28/11/2022	8	12/9/2022	£1,638.31	32
HMSJK3JACB	REDACTED (privacy)	6	0	0	6	11/11/2022	14/11/2022	3	11/9/2022	£821.33	18
HMDHCCBXHX	REDACTED (privacy)	2	2	0	4	30/10/2022	11/11/2022	12	20/10/2022	£2,170.01	48
HMX5AR3R43	REDACTED (privacy)	5	0	0	5	27/10/2022	30/10/2022	3	2/8/2022	£821.33	15
HM9JXEKJNF	REDACTED (privacy)	4	2	0	6	24/10/2022	27/10/2022	3	11/10/2022	£708.05	18
HMD2BCC24D	REDACTED (privacy)	4	0	1	5	20/10/2022	24/10/2022	4	9/9/2022	£946.65	20
HMPWQW8MWH	REDACTED (privacy)	4	0	0	4	9/10/2022	15/10/2022	6	4/8/2022	£1,447.93	24
HMAX32K8BP	REDACTED (privacy)	6	0	1	7	1/10/2022	6/10/2022	5	22/7/2022	£1,231.03	35
HM4RF95EX	REDACTED (privacy)	5	0	0	5	13/9/2022	22/9/2022	9	18/5/2022	£1,984.15	45
HMCPUH5JIA	REDACTED (privacy)	6	0	0	6	9/9/2022	12/9/2022	3	30/7/2022	£1,014.13	18
HM9M4H49PD	REDACTED (privacy)	6	0	0	6	1/9/2022	4/9/2022	3	19/6/2022	£1,014.13	18
HMRFNBB3R4	REDACTED (privacy)	6	0	0	6	26/8/2022	29/8/2022	3	2/4/2022	£1,423.83	18
HME2TDOB3Y	REDACTED (privacy)	6	0	0	6	16/8/2022	26/8/2022	10	11/3/2022	£3,342.19	60
HMBAPP38D	REDACTED (privacy)	3	0	0	3	10/8/2022	16/8/2022	6	27/2/2022	£2,580.63	18
HMX5BYSMJJ	REDACTED (privacy)	1	0	0	1	5/8/2022	10/8/2022	5	29/3/2022	£2,195.03	5
HMXDXDMA5F	REDACTED (privacy)	2	2	0	4	20/7/2022	5/8/2022	16	24/3/2022	£4,151.95	64
HMKYR5ABY	REDACTED (privacy)	6	0	0	6	15/7/2022	18/7/2022	3	21/2/2022	£1,067.14	18
HMQ4P8HRH	REDACTED (privacy)	3	1	0	4	12/7/2022	15/7/2022	3	20/2/2022	£990.03	12
HMJTT3RXJ	REDACTED (privacy)	5	0	0	5	5/7/2022	12/7/2022	7	6/3/2022	£1,698.57	35
HM8MD2KD4A	REDACTED (privacy)	6	0	0	6	2/7/2022	4/7/2022	2	11/3/2022	£739.39	12
HMFJHRQ5EA	REDACTED (privacy)	2	0	0	2	28/6/2022	2/7/2022	4	10/4/2022	£1,245.49	8
HMC5SHWYE4R	REDACTED (privacy)	5	1	1	7	24/6/2022	27/6/2022	3	11/3/2022	£965.93	21
HMA75WFASD	REDACTED (privacy)	3	3	0	6	11/6/2022	18/6/2022	7	10/4/2022	£1,550.35	42
HM882RYNCT	REDACTED (privacy)	5	0	0	5	8/6/2022	11/6/2022	3	1/3/2022	£941.83	15
HMN9Q8R4S9	REDACTED (privacy)	4	0	0	4	2/6/2022	5/6/2022	3	21/3/2022	£965.93	12
HMTFZ8Y59	REDACTED (privacy)	4	1	0	5	28/5/2022	31/5/2022	3	12/2/2022	£898.45	15
HMARONPBMV	REDACTED (privacy)	4	1	1	6	21/5/2022	28/5/2022	7	1/4/2022	£1,416.89	42
HMR5RW792N	REDACTED (privacy)	3	0	0	3	17/5/2022	21/5/2022	4	16/5/2022	£1,144.27	12
HM3QJ4HRM	REDACTED (privacy)	3	0	0	3	13/5/2022	16/5/2022	3	10/4/2022	£937.01	9
HMSQYAHQAX	REDACTED (privacy)	4	0	0	4	4/5/2022	8/5/2022	4	11/3/2022	£1,076.79	16
HMD58J5DB8	REDACTED (privacy)	2	2	0	4	30/4/2022	3/5/2022	3	27/4/2022	£898.45	12
HM9AHTC53	REDACTED (privacy)	1	0	0	1	24/4/2022	30/4/2022	6	18/4/2022	£1,354.42	6
HMDCRST9D9	REDACTED (privacy)	4	1	1	6	21/4/2022	24/4/2022	3	7/3/2022	£908.09	18
HMW9JCKJCF	REDACTED (privacy)	4	0	0	4	16/4/2022	18/4/2022	2	12/4/2022	£585.15	8
HMQ3XREYPT	REDACTED (privacy)	3	0	0	3	12/4/2022	16/4/2022	4	16/3/2022	£929.30	12
HMF3M84Q8Y	REDACTED (privacy)	2	2	0	4	8/4/2022	12/4/2022	4	8/2/2022	£1,047.87	16
HMDXMB98RF	REDACTED (privacy)	2	0	0	2	4/4/2022	8/4/2022	4	30/3/2022	£990.03	8
HMK2KXFZ3E	REDACTED (privacy)	5	1	0	6	2/4/2022	4/4/2022	2	24/2/2022	£512.85	12
HM2RYA8BOR	REDACTED (privacy)	1	0	0	1	12/3/2022	28/3/2022	16	2/3/2022	£1,905.55	16
HMD9AANKRZ	REDACTED (privacy)	4	0	0	4	1/3/2022	11/3/2022	10	28/2/2022	£1,597.54	40
HM95MBENMF	REDACTED (privacy)	4	0	0	4	25/2/2022	28/2/2022	3	16/12/2021	£764.45	12
HMKFJAAMBB	REDACTED (privacy)	5	0	0	5	18/2/2022	21/2/2022	3	2/2/2022	£700.25	15
HMTTDZCY5W	REDACTED (privacy)	4	1	0	5	12/2/2022	15/2/2022	3	27/1/2022	£671.62	15
HMDTXQJCDZ	REDACTED (privacy)	6	0	0	6	5/2/2022	7/2/2022	2	15/1/2022	£498.10	12
HMNDEH5F4	REDACTED (privacy)	5	0	0	5	28/1/2022	31/1/2022	3	8/1/2022	£651.66	15
HMSK2STBQ3	REDACTED (privacy)	6	0	0	6	21/1/2022	24/1/2022	3	2/12/2021	£729.75	18
HM8AJF2TYB	REDACTED (privacy)	6	0	0	6	30/12/2021	2/1/2022	3	2/10/2021	£1,438.29	18
HMBDPKZ5TD	REDACTED (privacy)	5	0	0	5	27/12/2021	30/12/2021	3	20/9/2021	£770.23	15
HM5DZ9WJ58	REDACTED (privacy)	1	0	0	1	19/12/2021	21/12/2021	2	11/12/2021	£484.89	2
HMXFK8Y5X	REDACTED (privacy)	5	0	0	5	15/12/2021	18/12/2021	3	9/11/2021	£735.53	15
HMQ2QY5S8F	REDACTED (privacy)	2	2	0	4	13/12/2021	15/12/2021	2	30/11/2021	£448.65	8
HMH24YWKDA	REDACTED (privacy)	6	0	1	7	10/12/2021	13/12/2021	3	28/7/2021	£735.53	21
HMYX79EKBZ	REDACTED (privacy)	2	2	0	4	5/12/2021	10/12/2021	5	30/11/2021	£1,063.29	20
HMEDA5E9O9	REDACTED (privacy)	5	0	0	5	3/12/2021	5/12/2021	2	31/8/2021	£554.30	10
HMHXYPH35Q	REDACTED (privacy)	6	0	0	6	26/11/2021	28/11/2021	2	25/6/2021	£494.53	12
HM282YRZMJ	REDACTED (privacy)	4	0	0	4	22/11/2021	25/11/2021	3	20/10/2021	£619.85	12
HMPHBEJ5	REDACTED (privacy)	6	0	0	6	19/11/2021	21/11/2021	2	22/8/2021	£531.16	12
HMAZ98AHYF	REDACTED (privacy)	4	1	2	7	12/11/2021	15/11/2021	3	24/8/2021	£696.97	21
HMSDFE2XD3	REDACTED (privacy)	4	0	0	4	7/11/2021	10/11/2021	3	6/11/2021	£619.85	12

HMWKNWZTF8	REDACTED (privacy)	6	0	0	6	5/11/2021	7/11/2021	2	11/9/2021	E	490.29	12
HM2NXHAH4B	REDACTED (privacy)	3	2	0	5	31/10/2021	5/11/2021	5	26/7/2021	E	980.39	25
HMZFH542MH	REDACTED (privacy)	6	0	1	7	29/10/2021	31/10/2021	2	29/6/2021	E	517.67	14
HMK9AZAYS9	REDACTED (privacy)	3	2	0	5	27/10/2021	29/10/2021	2	18/10/2021	E	449.51	10
HMS9XD5TJT	REDACTED (privacy)	3	0	0	3	23/10/2021	27/10/2021	4	25/8/2021	E	863.74	12
HM3EEK8R8Y	REDACTED (privacy)	6	0	0	6	19/10/2021	23/10/2021	4	8/7/2021	E	840.61	24
HMFYK3ZJA4	REDACTED (privacy)	5	0	0	5	16/10/2021	18/10/2021	2	5/9/2021	E	465.12	10
HM8JSAHQ3F	REDACTED (privacy)	4	1	0	5	8/10/2021	11/10/2021	3	20/8/2021	E	723.00	15
HM23PMZ4WH	REDACTED (privacy)	4	0	0	4	1/10/2021	3/10/2021	2	21/7/2021	E	497.42	8
HMATBMT3HY	REDACTED (privacy)	4	2	0	6	24/9/2021	26/9/2021	2	8/6/2021	E	492.60	12
HMCZSEXR2S	REDACTED (privacy)	5	0	0	5	16/9/2021	19/9/2021	3	13/6/2021	E	696.01	15
HMOFRJFYWJ	REDACTED (privacy)	4	0	0	4	11/9/2021	14/9/2021	3	12/7/2021	E	693.12	12
HMFJKMW2HO	REDACTED (privacy)	2	0	0	2	6/9/2021	11/9/2021	5	6/9/2021	E	1,065.22	10
HMYXREAR45	REDACTED (privacy)	5	0	0	5	1/9/2021	5/9/2021	4	12/6/2021	E	867.60	20
HMDT388TRR	REDACTED (privacy)	6	0	0	6	29/8/2021	31/8/2021	2	26/8/2021	E	475.25	12
HMWMTMN4MF	REDACTED (privacy)	4	0	0	4	26/8/2021	29/8/2021	3	7/3/2021	E	1,136.56	12
HMBRDHRCSD	REDACTED (privacy)	1	0	0	1	23/8/2021	26/8/2021	3	11/8/2021	E	616.96	3
HMF4S8XK99	REDACTED (privacy)	5	0	0	5	21/8/2021	23/8/2021	2	1/6/2021	E	641.06	10
HMSYSJD28H	REDACTED (privacy)	4	0	0	4	17/8/2021	21/8/2021	4	14/2/2021	E	1,305.26	16
HM52YE3XQT	REDACTED (privacy)	4	0	1	5	12/8/2021	16/8/2021	4	30/3/2021	E	1,356.35	20
HMOQD5VWV99	REDACTED (privacy)	6	0	0	6	8/8/2021	10/8/2021	2	10/7/2021	E	470.33	12
HMPN3NMOCW	REDACTED (privacy)	5	0	0	5	6/8/2021	8/8/2021	2	27/2/2021	E	847.36	10
HMJAK9QDTF	REDACTED (privacy)	6	0	0	6	1/8/2021	5/8/2021	4	20/2/2021	E	1,242.60	24
HMJ4W55AMD	REDACTED (privacy)	5	0	0	5	23/7/2021	25/7/2021	2	5/6/2021	E	509.18	10
HMDJSH3FHN	REDACTED (privacy)	5	0	0	5	19/7/2021	21/7/2021	2	28/6/2021	E	379.04	10
HMPYKPSZTE	REDACTED (privacy)	6	0	0	6	15/7/2021	19/7/2021	4	24/5/2021	E	950.50	24
HMJ3QDWERD	REDACTED (privacy)	2	3	0	5	9/7/2021	15/7/2021	6	28/5/2021	E	1,298.51	30
HMOQR45A9E	REDACTED (privacy)	6	0	0	6	2/7/2021	4/7/2021	2	16/5/2021	E	490.10	12
HMYSWB24CD	REDACTED (privacy)	5	0	0	5	29/3/2021	31/3/2021	2	24/3/2021	E	413.74	10
HMREYFDHDC	REDACTED (privacy)	3	0	0	3	26/3/2021	29/3/2021	3	25/3/2021	E	701.79	9
HMZSYF5FWJ	REDACTED (privacy)	4	0	0	4	15/12/2020	27/12/2020	12	26/11/2020	E	2,281.79	48
HM4TDTWQX8	REDACTED (privacy)	4	0	0	4	17/11/2020	20/11/2020	3	16/11/2020	E	484.89	12
HM2PS245CK	REDACTED (privacy)	4	0	0	4	18/10/2020	24/10/2020	6	30/9/2020	E	882.25	24
HMW48RTYCO	REDACTED (privacy)	2	0	0	2	9/10/2020	11/10/2020	2	7/10/2020	E	428.98	4
HMEHH3Y55P	REDACTED (privacy)	1	0	0	1	8/10/2020	9/10/2020	1	2/10/2020	E	192.80	1
HMJ25HRTVW	REDACTED (privacy)	1	0	0	1	1/10/2020	4/10/2020	3	1/10/2020	E	583.22	3
HMZYNN44MQ	REDACTED (privacy)	3	1	0	4	24/9/2020	28/9/2020	4	23/9/2020	E	812.65	16
HMY2W952R	REDACTED (privacy)	6	0	0	6	18/9/2020	20/9/2020	2	13/8/2020	E	412.02	12
HMT4RFAECR	REDACTED (privacy)	6	0	0	6	14/9/2020	16/9/2020	2	5/9/2020	E	349.54	12
HMWZH8T2AD	REDACTED (privacy)	4	0	1	5	11/9/2020	14/9/2020	3	20/8/2020	E	543.88	15
HMSAJN854H	REDACTED (privacy)	5	0	0	5	3/9/2020	6/9/2020	3	25/8/2020	E	543.88	15
HMO2F2J58J	REDACTED (privacy)	5	0	0	5	28/8/2020	1/9/2020	4	13/8/2020	E	795.30	20
HMM9AYK4PH	REDACTED (privacy)	5	0	0	5	24/8/2020	27/8/2020	3	17/8/2020	E	523.06	15
HMXE5T3DFM	REDACTED (privacy)	1	2	0	3	21/8/2020	24/8/2020	3	29/7/2020	E	642.99	9
HMXJ9XF3HZ	REDACTED (privacy)	3	1	0	4	15/8/2020	21/8/2020	6	14/8/2020	E	1,088.36	24
HMBA5S43TZ	REDACTED (privacy)	3	3	0	6	10/8/2020	15/8/2020	5	25/7/2020	E	964.96	30
HMT5HFZRZF	REDACTED (privacy)	6	0	2	8	8/8/2020	10/8/2020	2	23/7/2020	E	460.79	16
HMPBTWKWMMR	REDACTED (privacy)	4	0	0	4	3/8/2020	7/8/2020	4	19/7/2020	E	791.44	16
HMSZ8YQJMB	REDACTED (privacy)	5	0	0	5	27/7/2020	1/8/2020	5	26/7/2020	E	853.14	25
HMEN949B5M	REDACTED (privacy)	3	1	0	4	23/7/2020	26/7/2020	3	22/7/2020	E	594.79	12
HMTT5QNZW5	REDACTED (privacy)	3	0	0	3	20/7/2020	22/7/2020	2	18/7/2020	E	378.85	6
HME5QDTRD5	REDACTED (privacy)	3	0	0	3	12/7/2020	15/7/2020	3	11/7/2020	E	554.30	9
HM3JT4N4WC	REDACTED (privacy)	2	0	0	2	9/6/2020	30/6/2020	21	7/5/2020	E	-	42
HMDQT2YK4K	REDACTED (privacy)	1	0	0	1	16/5/2020	19/5/2020	3	12/5/2020	E	-	3
HMAEYRCTHA	REDACTED (privacy)	2	1	0	3	15/3/2020	20/3/2020	5	3/3/2020	E	637.20	15
HMBEKSNDZH	REDACTED (privacy)	4	0	0	4	13/3/2020	15/3/2020	2	3/3/2020	E	386.56	8
HMCBJJRBAT	REDACTED (privacy)	6	0	0	6	7/3/2020	9/3/2020	2	22/12/2019	E	365.36	12
HM8XPC3B5A	REDACTED (privacy)	6	0	0	6	21/2/2020	24/2/2020	3	2/1/2020	E	424.16	18
HMXFDNCDH4	REDACTED (privacy)	4	0	0	4	16/2/2020	19/2/2020	3	13/2/2020	E	416.45	12
HMWANHRP5R	REDACTED (privacy)	6	0	0	6	13/2/2020	16/2/2020	3	1/1/2020	E	424.16	18
HMSQ39DZS	REDACTED (privacy)	6	0	0	6	7/2/2020	9/2/2020	2	23/12/2019	E	328.72	12
HMK3DKJCT	REDACTED (privacy)	6	0	0	6	31/1/2020	2/2/2020	2	2/1/2020	E	353.79	12
HM9HEEFNH	REDACTED (privacy)	4	1	0	5	24/1/2020	26/1/2020	2	26/12/2019	E	315.23	10
HMKF5PZ2NZ	REDACTED (privacy)	6	0	0	6	17/1/2020	20/1/2020	3	10/1/2020	E	378.85	18
HM44AXWWSM	REDACTED (privacy)	5	1	0	6	31/12/2019	3/1/2020	3	24/12/2019	E	803.01	18
HMQJFN38CZ	REDACTED (privacy)	4	0	0	4	28/12/2019	31/12/2019	3	14/12/2019	E	466.58	12
HMNYNKTTQE	REDACTED (privacy)	4	0	0	4	27/12/2019	28/12/2019	1	17/12/2019	E	191.84	4
HMXOXOPH9S	REDACTED (privacy)	4	0	0	4	23/12/2019	27/12/2019	4	14/12/2019	E	669.02	16
Totals								675			£158,059.23	3057

Dear Ms Heathcote

The review of this decision has now been registered with the Council's Local Review Body. I have passed your e-mail to the team dealing with that review.

Regards
Lesley.

< External email >

< First time sender >

Dear Lesley,

Regarding Planning Application Ref 22/0364/FUL we live at No 12 Inverleith Terrace Lane, 2 doors away from the property in question. We have only had positive experiences of those renting the mews at No 10 and we welcome the company on the lane as other than No 10 we are the only other residence. We have not experienced any detrimental effects on our living conditions or amenity.

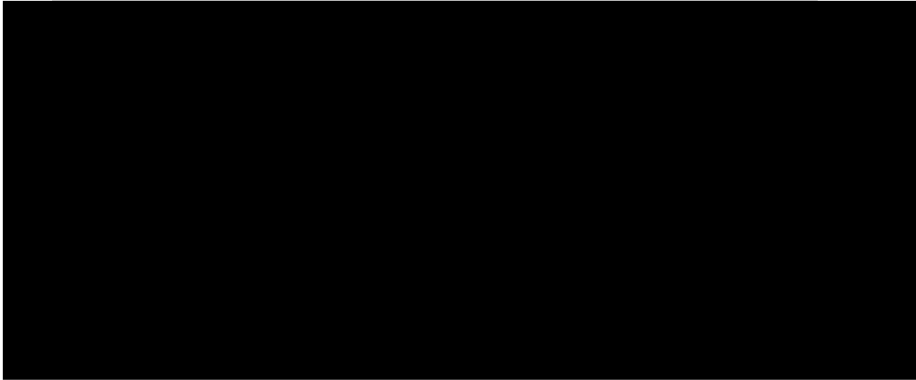
I understand the appeal deadline was 17/08/2023, unfortunately I was on annual leave last week and missed this, please could you to accept this e-mail as an additional attachment of support to the appeal for 22/0364/FUL (appeal ref 100637463-001)? If you require this in a different format or via the eplanning portal please let me know.

Your Sincerely

Libby Heathcote

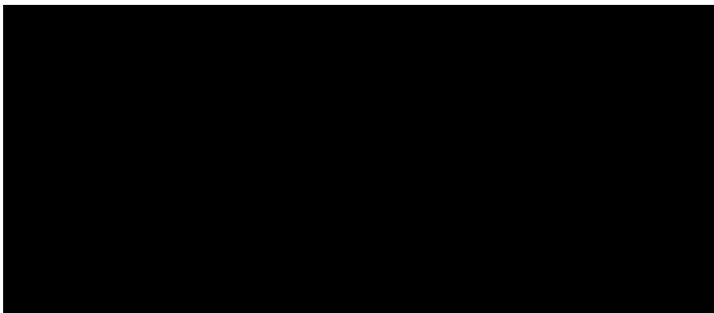
Libby Heathcote

REIACH AND HALL ARCHITECTS



Libby Heathcote

REIACH AND HALL ARCHITECTS



Bill Murray Architect.
FAO: William Murray
6 Knowes Farm Cottages
Dunbar
EH42 1XJ

Mohammad Mahfooz.
208 Easter Road
EDINBURGH
EH7 5QH
EH42 1XJ

Decision date: 16 June 2023

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013

To change the use of the existing flat to a flat for short-term letting.
At 110 Spring Gardens Edinburgh EH8 8EY

Application No: 23/00570/FULSTL

DECISION NOTICE

With reference to your application for Planning Permission STL registered on 3 April 2023, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

Reason for Refusal:-

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this dwelling as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal is contrary to National Planning Framework Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short stay let will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01 - 02 - 03, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity or loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Sean Christie directly at sean.christie@edinburgh.gov.uk.



Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at www.eplanning.scot or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email localreviewbody@edinburgh.gov.uk.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Report of Handling

**Application for Planning Permission STL
110 Spring Gardens, Edinburgh, EH8 8EY**

Proposal: To change the use of the existing flat to a flat for short-term letting.

**Item – Local Delegated Decision
Application Number – 23/00570/FULSTL
Ward – B14 - Craigentenny/Duddingston**

Recommendation

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

Summary

The change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity or loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

SECTION A – Application Background

Site Description

The application property comprises a one-bedroom, ground floor flatted dwelling at 110 Spring Gardens, Abbeyhill. The property has its own main door access. Although there is a variety of commercial uses located nearby, including a shop and take-away unit next to the property, the surrounding area is predominantly residential.

The site is not located within any protected areas.

Description Of The Proposal

Planning permission is sought for the retrospective change of use from residential to short term let (sui generis). No internal or external works to the property are proposed as part of this application.

Supporting Information

- NPF4 Planning Statement

Relevant Site History

16/02228/FUL

110 Spring Gardens

Edinburgh

EH8 8EY

Change of Use and Conversion of existing small Shop Unit into a small Flat.

Granted

3 August 2016

Other Relevant Site History

No other relevant site history.

Consultation Engagement

No consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 5 April 2023

Date of Advertisement: Not Applicable

Date of Site Notice: Not Applicable

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

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 policies to be considered are:

- NPF4 Sustainable Places Policy 1.
- NPF4 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 proposals do not involve operational development and therefore, 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 (2023) 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 application property comprises a main door, ground floor unit within a tenement building. There are other residential flats located adjacent to and above the property. Although there are commercial uses located nearby, the area is predominantly residential with a low to medium degree of street activity in the immediate vicinity of the property.

The applicant's supporting planning statement asserts that the change of use will have a limited impact on local amenity given its small size and private access.

The use of the property as an STL would, however, introduce an increased frequency of movement to the property. The proposed STL use would enable multiple visitors to arrive and stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents. There is no guarantee that guests would not come and go frequently throughout the day and night, and transient visitors may have less regard for neighbours' amenity than individuals using the property as a principal home. Visitors may also have less regard for the security and maintenance of communal spaces.

The additional servicing that operating a property as an STL requires compared to that of a residential use is also likely to result in an increase in disturbances, further impacting on neighbouring amenity.

This would be significantly different from the ambient background noise that neighbouring residents might reasonably expect and will have an unacceptable effect on the living conditions and amenity of nearby residents. The proposal does not comply with NPF 4 policy 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 property this will only be supported where the loss is outweighed by demonstrable local economic benefits.

The applicant's supporting planning statement does not provide any specific evidence of demonstrable economic benefits associated with the use of the property as an STL.

Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. The use of the property by guests and the required maintenance and upkeep of STL properties are likely to result in a level of job creation and spend within the economy which can be classed as having an economic benefit.

The use of the property as an STL would, however, result in the loss of residential accommodation, which given the recognised need and demand for housing in Edinburgh, is important to retain where appropriate.

Furthermore, residential occupation of the property also contributes to the economy, in terms of providing a home and the spend in relation to the use of the property as a home, including the use of local services and resultant employment, as well as by making contributions to the local community.

In this instance it has not been sufficiently demonstrated that the loss of the residential accommodation is outweighed by demonstrable local economic benefits arising from the STL use. As such, the proposal does not comply with NPF 4 30(e) part (ii).

Parking Standards

There are no parking requirements for STLs. Cycles can be parked inside the property. The proposals comply with LDP Policies Tra 2 and Tra 3.

Conclusion in relation to the Development Plan

The change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation in this case it does not outweigh the adverse impact on residential amenity. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7.

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

A total of four representations were received, with all four being objections. A summary is provided below:

material considerations

- Negative impact on local amenity due to noise, disturbance and anti-social behaviour. Addressed in part a).
- Negative impact relating to waste disposal. The applicant would have a agree a waste strategy with CEC Waste Services.
- Negative impact on maintenance/parking arrangements. Addressed in part a).
- Negative impact on security for neighbours. Addressed in part a).
- Potential overcrowding within small STL unit. Addressed in part a).
- Negative impact on local community and sense of place. Addressed in part a).

- Loss of residential accommodation and negative impact on housing affordability and supply. Addressed in part a).

non-material considerations

- The application is contrary to Scottish Planning Policy. This is no longer a relevant policy consideration.

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 change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity or loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reason for Refusal

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this dwelling as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal is contrary to National Planning Framework Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short stay let will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 3 April 2023

Drawing Numbers/Scheme

01 - 02 - 03

Scheme 1

**David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council**

Contact: Sean Christie, Assistant Planning Officer
E-mail: sean.christie@edinburgh.gov.uk

Appendix 1

Consultations

No consultations undertaken.

Application Certification Record

Case Officer

I have assessed the application against the City of Edinburgh Council's Scheme of Delegation (2023) Appendix 6 – Chief Planning Officer and the Statutory Scheme of Delegation (2023) and can confirm the application is suitable to be determined under Local Delegated Decision, decision-making route.

Case Officer: Sean Christie

Date: 6 June 2023

Authorising Officer

To be completed by an officer as authorised by the Chief Planning Officer to determined applications under delegated powers.

I can confirm that I have checked the Report of Handling and agree the recommendation by the case officer.

Authorising Officer (mRTPI): Lynsey Townsend

Date: 14 June 2023

Comments for Planning Application 23/00570/FULSTL

Application Summary

Application Number: 23/00570/FULSTL

Address: 110 Spring Gardens Edinburgh EH8 8EY

Proposal: To change the use of the existing flat to a flat for short-term letting.

Case Officer: Improvement Team

Customer Details

Name: Amaury Auvray

Address: 104 Spring Gardens PF1 Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: If the application is for Airbnb or similar. I would recommend to increase the noise acoustic on the wall next to 104. We are concerned by short let that can bring noise through the year. We are also concerned by extended refurbishment hours. We are working from home and we can hear the noise through the wall.

Comments for Planning Application 23/00570/FULSTL

Application Summary

Application Number: 23/00570/FULSTL

Address: 110 Spring Gardens Edinburgh EH8 8EY

Proposal: To change the use of the existing flat to a flat for short-term letting.

Case Officer: Improvement Team

Customer Details

Name: Mr Paul Surgenor

Address: 6/5 Waverley Park Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to object to this change of use because:

- 1) The application is contrary to Scottish Planning Policy on "socially sustainable places" and "supporting delivery of accessible housing"; and
- 2) The change of use would have unacceptable impacts on neighbourhood amenity, including pressure on bins, parking, residential amenity, community, and security/safety.

Further detail is provided as follows:

Edinburgh has a housing crisis and an accessible housing crisis. The Strategic Housing Investment Plan states the rapid growth in short term lets is creating further pressure on supply, rent levels and house prices in some areas as properties are purchased for short term let rather than long term rent or owner occupation.

The demand for main door housing in Edinburgh is so great that, incentivising any main door housing for short-term holiday let is contrary to Scottish Planning Policy on "supporting delivery of accessible housing". This is especially acute in city centre and busy mixed-use areas such as Abbeyhill, where most flats will share inaccessible stepped/communal entrances. The property at 110 Spring Gardens presents an opportunity to provide accessible city-centre accommodation.

Furthermore, main door properties have been found unacceptable for short-term letting when they are close to other residential properties and / or share communal spaces (See DPEA's no. 230-2190, 290-2005, 140-2013, 230-2161, and 230-2144). I believe there may be an agreement in place for some of the main door flats on Spring Gardens to access communal garden spaces within shared stairwells on either Spring Gardens or Waverley Park.

Due to the location of the property, additional pressure could be experienced on communal bins located on either Spring Gardens, Milton Street, or Waverley Park. While use of bins is a normal residential function, the number of guests in a small flat (and the frequency of turnover) may have some impact on the frequency of journeys to the bins and the volume of waste over time.

Pressure on parking: Spring Gardens and surrounding streets are dense, with limited parking. The applicant's short-term let guests may use several vehicles. Following a change to permit parking later this year, the property owner may attempt to use visitor permits to provide parking to guests. As noted in a 2019 DPEA regarding 33 Milton Street (ENA-230-2162), a site inspection at around 1300hrs found Milton and neighbouring streets "busy with few if any free parking spaces".

Residential amenity, including noise and security: While there may be "house rules" provided to guests, how guests actually behave during their stay/departure is not controllable by the host. The nature of short stay commercial visitor accommodation is such that a host is unlikely to be on site permanently to enforce their own rules. This would differ from a residential situation where a complainant could approach the occupier or the landlord directly and have some reassurance that behaviour would modify given owner occupation or the relatively lengthier nature of residential tenancies.

While there is no planning statement to confirm the intended occupancy of the short term let, a one bed of this size could theoretically sleep 4 people utilising a bed and sofa bed in the living area. There is no guarantee that guests staying in the flat would always be within sensible occupancy limits, in this way, the use of the flat would also differ from typical residential circumstances with the increased potential for noise and anti-social behaviour.

The application does not stipulate the frequency of guest change overs, it may be possible for this to be every day or at least every few days. The introduction of new people into the property. This can change the level of actual and perceived security for permanent residents in a manner that would not otherwise be the case under typical residential circumstances

In summary, significant impacts on neighbours include: increased antisocial behaviour, noise, disruption, intrusion by a frequent turnover of strangers, loss of community, loss of security and impacts on bins and parking.

Comments for Planning Application 23/00570/FULSTL

Application Summary

Application Number: 23/00570/FULSTL

Address: 110 Spring Gardens Edinburgh EH8 8EY

Proposal: To change the use of the existing flat to a flat for short-term letting.

Case Officer: Improvement Team

Customer Details

Name: Mariana Duarte

Address: 3/9 Milton Street Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: For the purposes of building a community and fostering respect for the people around us, I don't think we should accept or encourage the approval of short term lets in majorly residential areas. Abbeyhill is already home to one large student accommodation building, soon to be two, which has already had a detrimental effect in the neighbourhood in terms of loudness, antisocial behaviour and small businesses shutting down. I believe that short term lets will only make this problem worse, as often tourists and short term letters are disrespectful of residents and the area.

In addition to this, it has been acknowledged that short term lets increase the rental prices in the area and make it more difficult for people who live in the city to actually find places to live that they can afford. I think if the person who owns this flat doesn't want to live there, they should either sell it or accept long-term renters that will be living within our community as tax-payers.

Comments for Planning Application 23/00570/FULSTL

Application Summary

Application Number: 23/00570/FULSTL

Address: 110 Spring Gardens Edinburgh EH8 8EY

Proposal: To change the use of the existing flat to a flat for short-term letting.

Case Officer: Improvement Team

Customer Details

Name: Ms OLD TOWN ASSOCIATION

Address: 1 Trunks Close, 55 High Street, Edinburgh EH1 1SR

Comment Details

Commenter Type: Amenity Body

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This application should be refused as the use of a residential home for short-term letting means loss of residential accommodation. Short-term lets in a tenement results in noise and other disturbance for the other inhabitants, especially where there is shared access or shared space, as there is here. Short-term lets as a whole destroy communities and lead to a sense of insecurity amongst remaining residents. Not having residents also means fewer people to monitor the building and undertake maintenance.

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100011356-006

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Bill Murray Architect"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="William"/>	Building Name:	<input type="text" value="None"/>
Last Name: *	<input type="text" value="Murray"/>	Building Number:	<input type="text" value="6"/>
Telephone Number: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Knowes Farm Cottages"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="DUNBAR"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="EH42 1XJ"/>
Email Address: *	<input type="text"/>		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="Mohammad"/>	Building Number: <input type="text" value="208"/>
Last Name: *	<input type="text" value="Mafooz"/>	Address 1 (Street): * <input type="text" value="Easter Road"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="EDINBURGH"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="EH7 5QH"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

Site Address Details

Planning Authority:	<input type="text" value="City of Edinburgh Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="110 SPRING GARDENS"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH8 8EY"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="674202"/>	Easting	<input type="text" value="327231"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

To obtain Planning Permission to allow Short-Term Letting of this very small Flat.

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Acting on behalf of the Owner, we disagree profoundly with the reasons given for the Refusal. A full, written Statement will be attached to this Submission.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Appeal against Refusal of Planning Permission to enable a Licence to be Granted.

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

23/00570/FULSTL.

What date was the application submitted to the planning authority? *

01/06/2023

What date was the decision issued by the planning authority? *

16/06/2023

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Bill Murray Architect William Murray

Declaration Date: 15/09/2023

Bill Murray Architect

6 Knowes Farm Cottages, DUNBAR,
E-mail address : bmarchitect@yahoo.com



East Lothian, EH42 1XJ.
Tel. 07861 309596.

The City of Edinburgh Council Local Review Body
G2, Waverley Court,
4 East Market Street,
EDINBURGH
EH8 8BG.

Ref : BMA/154.
15 September 2023.

Dear Sirs/Madams,

[APPLICATION FOR LICENCE TO ALLOW SHORT-TERM LETTING - 23/00570FULSTL.
FRONT DOOR FLAT, 110 SPRING GARDENS, EDINBURGH, EH8 8EY.
APPEAL AGAINST REFUSAL OF PLANNING PERMISSION, TO ENABLE A LICENCE TO
BE GRANTED.](#)

Further to the Refusal Letter dated 16 June 2023, I appeal against the Decision, on behalf of the Owner of the Flat. The Appeal is set out below.

1. First of all, I wish to state that the Reasons for Refusal bear little or no relevance to the circumstances surrounding this tiny Main Door Flat. On behalf of the Owner, I invite the Members of the Review Panel to visit the property to see for themselves that the Flat is perfectly suitable for the proposed use and would not pose any threat to the amenity of the surrounding area, mainly because it is too small to do so.
2. The proposal is not contrary to Local Development Plan Policy Hou 7, because it is only suitable really for letting to 2 people. In addition, the Flat is a Front Door Flat, with its own separate Entrance from the Street. There is no access to the Common Stair. 2 people in the Flat will have little or no effect on the living conditions and amenity of nearby residents.
3. The proposal is not contrary to National Planning Framework Policy 30 (e) in respect of Local Amenity and Loss of Residential Accommodation. Frankly, to suggest that it is so is complete and utter nonsense. The Flat is still Residential Accommodation, no matter if a Licence to allow for Short-Term Letting is subsequently agreed. The Owner is perfectly at liberty to arrange for a longer letting period, should he find a suitable couple willing to take this on.
4. The change of use of this property to an STL will have no impact whatsoever on the neighbouring amenity. The tiny Flat is only suitable for 2 people. There is no loss of the residential accommodation. It is still there. The Application has nothing to do with Tourism. The Owner wishes to have the property managed on his behalf, so that he can concentrate on being his wife's Principal Carer during her illness.

Yours faithfully,

BILL MURRAY.

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Adelphi 19 Limited.
FAO: Robin Keane
19 Adelphi
Aberdeen
AB11 5BL

Decision date: 4 July 2023

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Change of use to a short term let during periods of non-occupation.
At 4 Barony Place Edinburgh EH3 6PB

Application No: 23/01383/FULSTL

DECISION NOTICE

With reference to your application for Planning Permission STL registered on 4 April 2023, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

Reason for Refusal:-

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this property as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal is contrary to National Planning Framework 4 Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short stay let will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01, 02, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The proposal is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve the character or appearance of the conservation area.

The change of use of this property to a short-term let (STL) will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity or loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Lesley Porteous directly at lesley.porteous@edinburgh.gov.uk.



Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at www.eplanning.scot or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email localreviewbody@edinburgh.gov.uk.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

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Report of Handling

**Application for Planning Permission STL
4 Barony Place, Edinburgh, EH3 6PB**

Proposal: Change of use to a short term let during periods of non-occupation.

**Item – Local Delegated Decision
Application Number – 23/01383/FULSTL
Ward – B11 - City Centre**

Recommendation

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

Summary

The proposal is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve the character or appearance of the conservation area.

The change of use of this property to a short-term let (STL) will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity or loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

SECTION A – Application Background

Site Description

The application site is a two-bedroom, two-storey dwelling at 4 Barony Place, Broughton. The property has its own main door access on to Barony Place. There is no private or shared amenity space. The surrounding area is predominantly residential and to the north is a children's play area and park.

The site lies within the New Town Conservation Area and the Old and New Towns of Edinburgh World Heritage Site.

Description Of The Proposal

The application is for a change of use from residential to short term let during periods of non-occupation for longer term rentals (approximately 26 weeks of the year). No internal or external physical changes are proposed. The applicant has advised that the property has been used as a short term let since 2018. Therefore, the application is retrospective.

Supporting Information

National Planning Framework 4 Planning Statement.

Relevant Site History

No relevant site history.

Other Relevant Site History

No other relevant planning site history.

Consultation Engagement

No consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 4 July 2023

Date of Advertisement: 14 April 2023

Date of Site Notice: 14 April 2023

Number of Contributors: 4

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 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

a) The proposals harm the character or appearance of the conservation area?

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

There are no external changes proposed. The change of use from a residential premises to a short term let will not have any material impact on the character of the conservation area. The change of use would preserve 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?

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 policies to be considered are:

- NPF4 Sustainable Places Policy 1.
- NPF4 Historic Assets and Places Policy 7.
- NPF4 Productive Places Tourism Policy 30.
- LDP Housing Policy Hou 7.
- LDP Transport Policies Tra 2 and Tra 3.

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering historic assets. The non-statutory 'Guidance for Businesses' (2023) is a material consideration that is relevant when considering change of use applications.

Conservation Area and World Heritage Site

There are no external or internal works proposed and as such there will not be a significant impact on historic assets and places. The proposal complies with NPF 4 Policy 7.

Proposed Use

With regards to NPF 4 Policy 1, the proposals do not involve operational development. 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 (2023) 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 application property has its own main door access on to Barony Place. There are four/five storey tenements immediately to the west and the property bounds the gardens of the four-storey tenements to the south on Barony Street. Consequently, the character of the street is fairly quiet with low ambient noise levels.

The applicant has submitted a supplementary planning statement referring to NPF 4 Policy 30 (e). In terms of amenity, the statement confirms that the owner strictly prohibits partying and has a zero tolerance of any form of disruptive behaviour that may affect the neighbourhood and is committed to maintaining a professional and respectful residential environment.

Although it has its own main door access, the use of this property as a short term let would have the potential to introduce an increased frequency of movement to the dwelling at unsociable hours. The proposed two bedroom short stay use would enable visitors to arrive and stay at the premises for short periods of time at particular stages throughout the year in a manner dissimilar to that of permanent residents. There is no guarantee that guests would not come and go frequently throughout the day and night and transient visitors may have less regard for neighbours' amenity than individuals using the property as a principal home. There may also be a negative impact on community cohesion.

The additional servicing that operating a property as an STL requires compared to that of a residential use is also likely to result in an increase in disturbance, further impacting on neighbouring amenity. However, this would be of lesser impact as it is likely that servicing would be conducted during the daytime.

The potential for noise described above would be significantly different from the ambient background noise that neighbouring residents might reasonably expect and will have a significantly detrimental effect on the living conditions and amenity of nearby residents. The proposal does not comply with NPF 4 policy 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.

Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. The use of the property by guests and the required maintenance and upkeep of STL properties are likely to result in a level of job creation and spend within the economy which can be classed as having an economic benefit.

The applicant's planning statement sets out that for 26 weeks of the year the property is being used for rental by company employees. For the remaining 26 weeks the applicant wishes to use the property for STLs. The statement asserts that this helps to maximise occupancy of the property throughout the year. It states that this arrangement provides valuable accommodation for tourists and eases pressure on other accommodation services in the city centre.

The current lawful use of the property is for residential accommodation. However, the use of the property as an STL for a period of 26 weeks in the year would result in a material change of use of the property. This means a loss of residential accommodation, which given the recognised need and demand for housing in Edinburgh is important to retain, where appropriate.

Further, it is important to recognise that residential occupation of the property contributes to the economy, in terms of providing a home and the spend in relation to the use of the property as a home, including the use of local services and resultant employment, as well as by making contributions to the local community.

In this instance, it has not been sufficiently demonstrated that the loss of the residential accommodation is outweighed by demonstrable local economic benefits. As such, the proposal does not comply with NPF 4 30(e) part (ii).

Parking Standards

There is a parking space provided in front of the property. The site is accessible by public transport and within walking distance of the city centre. There is no cycle parking standards for STLs. Bikes could be parked within the property if required. The proposals comply with LDP policies Tra 2 and Tra 3.

Conclusion in relation to the Development Plan

The change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation in this case it does not outweigh the adverse impact on residential amenity. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7.

c) 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

A summary of the representations is provided below:

material considerations

- Destroys the residential character of the area. Addressed in b) above.
- Negative impact on residential amenity. Addressed in b) above.
- Negative impact on housing stock. Addressed in b) above.

-Ruins community cohesion. Addressed in b) above.

non-material considerations

-Applicant is not local. This is not a material planning consideration.

-There are too many STLs already. Each application must be assessed on its individual merits.

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 Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve the character or appearance of the conservation area.

The change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity or loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reason for Refusal

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this property as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.

2. The proposal is contrary to National Planning Framework 4 Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short stay let will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 4 April 2023

Drawing Numbers/Scheme

01, 02

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Lesley Porteous, Planning Officer
E-mail: lesley.porteous@edinburgh.gov.uk

Appendix 1

Consultations

No consultations undertaken.

Application Certification Record

Case Officer

I have assessed the application against the City of Edinburgh Council's Scheme of Delegation (2023) Appendix 6 – Chief Planning Officer and the Statutory Scheme of Delegation (2023) and can confirm the application is suitable to be determined under Local Delegated Decision, decision-making route.

Case Officer: Lesley Porteous

Date: 28 June 2023

Authorising Officer

To be completed by an officer as authorised by the Chief Planning Officer to determined applications under delegated powers.

I can confirm that I have checked the Report of Handling and agree the recommendation by the case officer.

Authorising Officer (mRTPI): Elizabeth McCarroll

Date: 3 July 2023

Comments for Planning Application 23/01383/FULSTL

Application Summary

Application Number: 23/01383/FULSTL

Address: 4 Barony Place Edinburgh EH3 6PB

Proposal: Change of use to a short term let during periods of non-occupation.

Case Officer: Improvement Team

Customer Details

Name: Dr William Quinn

Address: 2B Barony Place Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: In light of the recent Scottish Government and Edinburgh Council legislation to severely curtail the rampant growth of the STL sector in the city, there is no justification for permitting this change of use.

Despite the best efforts of student landlords and hmo operators, Barony Street and Place retains a strong permanent neighborhood community, which deserves better treatment from the Council than a relentless drive to commercialize property here and throughout the city via a transient population.

There is nothing personal about this objection, simply one of principle.

Barony Street and Place should be a place for permanent, economically active citizens of Edinburgh, not a tourist & student village. There should be no further kowtowing to the multi-property owning classes, which only drives up property prices, and forces more and more into renting (if they can afford it).

Finally, not a single new STL should be permitted in the city (Aside from spare rooms, which should be encouraged during times of peak demand) until the Council oversees the building of a new residence in the city center for every single one lost to temporary occupation. Anything less is prioritizing the short-term gains of the few, over the good of the many who still manage to call this city home.

Comments for Planning Application 23/01383/FULSTL

Application Summary

Application Number: 23/01383/FULSTL

Address: 4 Barony Place Edinburgh EH3 6PB

Proposal: Change of use to a short term let during periods of non-occupation.

Case Officer: Improvement Team

Customer Details

Name: Mr Andrew Heald

Address: 9/12 Powderhall Rigg Edinburgh

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This area is predominantly residential and should remain so.

Comments for Planning Application 23/01383/FULSTL

Application Summary

Application Number: 23/01383/FULSTL

Address: 4 Barony Place Edinburgh EH3 6PB

Proposal: Change of use to a short term let during periods of non-occupation.

Case Officer: Improvement Team

Customer Details

Name: Mr Martin Macdonald

Address: 58/2 Broughton St Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: For the past 5-6 years there has been constant disruptions late at night into the early hours of the morning from air bnb style properties overlooking Barony Park. Our bedroom backs onto the same location, the noise can be hugely disruptive to our sleep. I object to this planning application in the strongest possible terms.

Comments for Planning Application 23/01383/FULSTL

Application Summary

Application Number: 23/01383/FULSTL

Address: 4 Barony Place Edinburgh EH3 6PB

Proposal: Change of use to a short term let during periods of non-occupation.

Case Officer: Improvement Team

Customer Details

Name: Mr Michael Orr

Address: 24D Barony Street, Edinburgh EH3 6NY

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The property is not appropriate to be a short-term let, particularly on an as-and-when basis when the owner does not live local to the property to resolve any issues with visitors. Adelphi 19 Limited is registered in Aberdeen, and no local agent is mentioned in the application.

- it overlooks a popular children's playpark
- it is to the back of a large number of tenements, so any noise from the property will significantly affect many neighbouring residents
- there are already many short-term lets and houses of multiple occupancy in the area, so allowing any more will increase the likelihood of the population of Barony Street / Barony place becoming predominantly transient, changing the character of the neighbourhood, and further reducing the availability of accommodation for those wishing to live, long-term, close to the city centre

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100645278-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Robin"/>	Building Number:	<input type="text" value="19"/>
Last Name: *	<input type="text" value="Keane"/>	Address 1 (Street): *	<input type="text" value="Adelphi"/>
Company/Organisation	<input type="text" value="Adelphi 19 Limited"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB11 5BL"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

Site Address Details

Planning Authority:

City of Edinburgh Council

Full postal address of the site (including postcode where available):

Address 1:

4 BARONY PLACE

Address 2:

BROUGHTON

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH3 6PB

Please identify/describe the location of the site or sites

Northing

674566

Easting

325739

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Change of use to a short term let during periods of non occupation.

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Provided separately. Please see attachment no 1 - Statement of Appeal (PDF)

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Attached documents: 1. Statement of Appeal 2. Planning Application 3. Request for information 4. Response to request for information 5. Location plan 6. Floorplan 7. Report of Handling 8. Bookings Summary 9. Refuse Planning Permission Notice

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

23/01383/FULSTL

What date was the application submitted to the planning authority? *

28/03/2023

What date was the decision issued by the planning authority? *

04/07/2023

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Robin Keane

Declaration Date: 25/09/2023

INTRODUCTION

This Appeal Statement comprises the grounds for appeal on behalf of Adelphi 19 Limited ('the Appellant'). It relates to an Appeal under Section 47 of the Town & Country Planning (Scotland) Act 1997 (as amended) ('the Planning Act') against the decision of City of Edinburgh Council ('CEC') to refuse planning permission ref. 23/01383/FULSTL in respect of the proposed change of use from residential to short term let (in retrospect) at 4 Barony Place, Edinburgh, EH3 6PB

The planning application was submitted on 28/03/2023 and validated on 28/03/2023 with the following description of development:

"Change of use from residential to short term let."

In line with requirements, neighbour notification was carried out by the City of Edinburgh Council. No comments were received

No internal or external consultees were notified of the application by the City of Edinburgh Council.

DETERMINATION BY CITY OF EDINBURGH COUNCIL

The planning application was refused by delegated powers on 04/07/2023

The reasons for refusal as set out within the decision notice are as follows:-

1. The proposal is contrary to Local Development Plan Policy HOU7 in respect of inappropriate uses in residential areas, as the use of this dwelling as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal is contrary to National Planning Framework Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation as the use of the dwelling as a short stay let will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified.

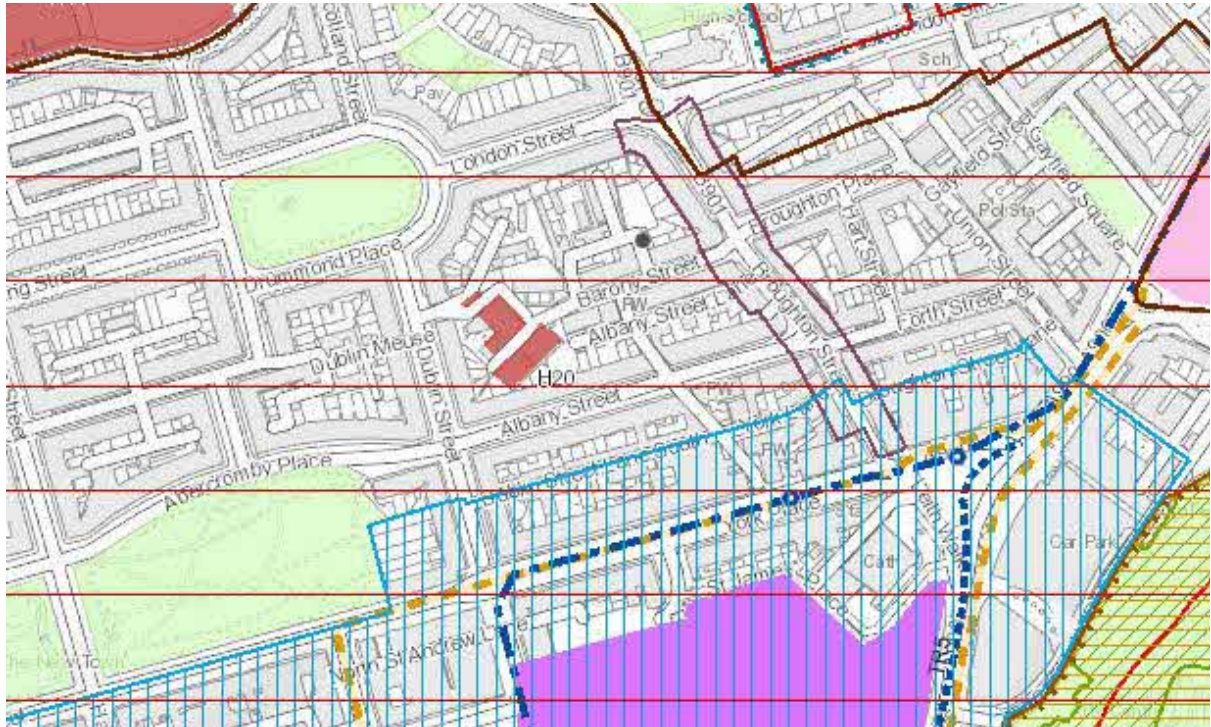
In accordance with the Planning Act, the Appeal should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

This Appeal Statement, in accordance with regulation 3(34) (d) of the Town and Country Planning (Appeals) (Scotland) Regulations 2013, will set out the full particulars of the Appeal, including all matters that the Appellant considers should be taken into account in the determination of the Appeal.

This Appeal Statement constitutes the Appellant's "grounds of appeal". We reserve the right to add to this statement on receipt of the Council's statement or that of any third party.

APPEAL SITE AND SURROUNDINGS

The property is located on Barony Place, which is a central location within Edinburgh City Centre.



The city centre location allows for a mix of uses to be acceptable, including residential, office, retail, café / restaurant, public houses and leisure uses. Within the immediate locality is Broughton Street, which is a recognised local centre in the Edinburgh Local Development Plan. This is a busy, vibrant area where residents, tourists and business users regularly visit for retail and leisure purposes.

Appeal Site

The appeal site is a two bedroom two storey property at Barony Place. The property has its own main door access onto Barony Place. There is no private or shared amenity space.

Due to the fact that the property is detached, it significantly reduces the likelihood of any noises or disturbance complaints from the neighbours. The windows do not overlook into another property.

There is also one private parking space available.

The intention is to only offer short term lets occasionally and exclusively to working professionals visiting Edinburgh for business purposes. This careful selection process ensures that the property is occupied by individuals who will maintain the same regard for the comfort and tranquillity of the neighbourhood as the representatives / employees of our company who sporadically stay in the property.

The appellant is committed to actively monitoring and managing the property during the short term stays by conducting regular inspections, to ensure compliance with any necessary regulations.

The appellant would be willing to accept a time limit as to when the property could operate as a short term let throughout the year.

MARKET NEED & DEMAND

There is a demand for short term lets in Edinburgh. Edinburgh is an international visitor destination and requires to respond to the ever increasing demand for tourist accommodation that meets the visitor demands. This relates to not just the provision of accommodation, but also a mix of different types of accommodation to suit all visitors needs. In this instance, the short term let allows visitors to have full access a number of bedrooms, bathrooms, cooking and washing facilities, leisure space and car parking. This offers a different offer compared with a hotel or guest house whereby, it is generally only a bedroom / bathroom that are provided. Tourist accommodation, such as this is appealing to families with young children, business users, and users who require more space to cater for themselves. It should be noted that party groups are not permitted at the property.

There is a local economic benefit in formalising the existing use which provides valuable tourist accommodation in close proximity to the city centre. In addition to this there would be income generated to the local business, further trade for cleaners and maintenance staff and additional spending by guests in the local area including at local restaurants, shops and cafes.

As one of the key employment sectors in Edinburgh, the applicant is acutely aware the importance of tourism to the city. The provision of accommodation, particularly during the summer, is vital to help sustain this economic driver, and as a responsible operator who deeply cares about the property, the neighbourhood, and the wider role they play in tourism in Edinburgh, it is submitted that the proposals are justified as a use supporting this industry.

In June 2018, the Association of Scotland's Self Caterers (ASSC) produced a report titled 'Far More Than Just Houses: The Benefits of the Short-Term Rental Sector to Scotland' (<https://www.assc.co.uk/wpcontent/uploads/2018/06/MoreThanJustHouses.pdf>). (Document ME 4.3) The detailed research undertaken demonstrated that short-term letting:

- Is a major component of Scotland's growing tourism offering, making a substantial contribution to the tourist economy;
- Cannot be blamed for exacerbating the housing crisis as other longstanding issues are of far greater significance (i.e., the number of empty properties in Scotland, or the failure of governments to build sufficient levels of affordable housing); and
- Is not a driver of anti-social behaviour in Scotland as the number of recorded complaints are negligible in comparison to the number of self-catering units/properties let;

A further report, prepared by Biggar Economics on behalf of AirBnB (<https://news.airbnb.com/wp-content/uploads/sites/4/2022/06/BiGGAR-EconomicsScottish-Local-Authorities-Economic-Analysis-2022.pptx.pdf>) (Document ME 4.4) noted that stringent licensing (and planning) schemes could reduce Airbnb's economic impact by between £32 million and £133 million, which would cost between 1,740 and 7,190 jobs across Scotland.

The facts about short-term letting in Edinburgh specifically were set out by the ASSC in August 2022 (<https://www.assc.co.uk/the-facts-about-short-term-letting-in-edinburgh/>). This noted:

“Self-catering is hugely important to Scottish tourism in terms of jobs, revenue, and world-class experiences offered to guests. To be such an essential part of Scotland’s tourism mix is even more remarkable for our sector, which generates £867m per year, when most self-caterers operate small or micro businesses. Our professional self-caterers are diligent and considerate business owners who are too often unfairly maligned. They do not, for example, ‘hollow out communities’, as some have claimed, but rather are part of local communities across Scotland and have been for many, many years”.

PLANNING POLICY CONTEXT

Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, requires all planning applications to be determined in accordance with the Development Plan for a site, unless material considerations indicate otherwise.

The Development Plan for the site is comprised of the Strategic Development Plan (‘SDP’) for South East Scotland (‘SESplan’), which was approved by Scottish Ministers with modifications on 27 June 2013, and the Edinburgh Local Development Plan (‘LDP’), which was adopted in November 2016.

NATIONAL PLANNING FRAMEWORK 4

National Planning Policy Framework 4 was adopted by Scottish Ministers on 13 February 2023 and forms part of the Council’s Development. 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 developments are assessed. The relevant NPF 4 policies to be considered are:

- NPF4 Sustainable Places Tackling the climate and nature crises Policies 1 and 7.
- NPF4 Productive Places Tourism Policy 30.

EDINBURGH LOCAL DEVELOPMENT PLAN

The Edinburgh LDP supports the city’s role as Scotland’s capital and recognises its importance as a key driver of the Scottish economy. A key aim of the LDP is supporting the growth of the city economy, which is based on a range of key sectors, including tourism.

At paragraph 108 the LDP recognises that Edinburgh’s city centre is “the vibrant hub of the city region – it’s the regional shopping centre and an important tourist destination with a wide range of entertainment and cultural attractions. It has excellent public transport connections and provides employment for over 80,000 people. Edinburgh city centre’s stunning setting and iconic architecture is celebrated internationally”.

The LDP continues at paragraph 190 that the Plan “aims to ensure that development in the city centre achieves the right balance between a number of competing priorities”.

The application site is just outwith the boundary of the designated City Centre of Edinburgh as per the LDP Proposals Map. Within the context of the Proposals Map, the site is subject to the following policy designations:

- World Heritage Site
- New Town Conservation Area;
- New Town Gardens and Dean Historic Garden Designed Landscape; and
- Urban Area.

An extract of the LDP Proposals Map is copied below at Figure 1, with the site indicated.

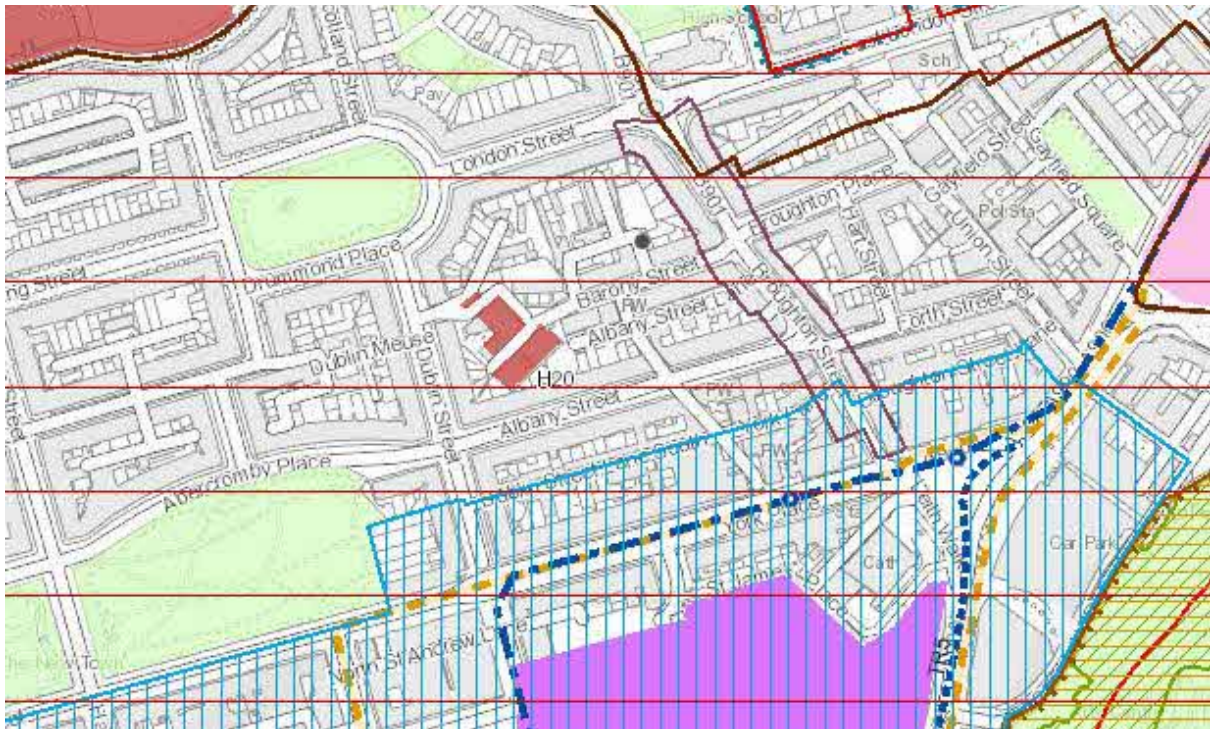


Figure 1 – Extract of LDP Proposals Map

The key planning policy from the LDP against which proposals for the change of use of residential properties to short term lets will be assessed is Policy Hou 7 Inappropriate Uses in Residential Areas.

Policy Hou 7 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”. The supporting text for Policy Hou 7 states that the intention of the policy is to preclude the introduction or intensification of non-residential uses incompatible with predominantly

residential areas and to prevent any further deterioration in living conditions in more mixed-use areas, which nevertheless have important residential functions.

Policy Env 4 relates to Listed Buildings – Alterations and Extensions and states that “proposals to alter or extend a listed building will be permitted where:

- a. Those alterations or extensions are justified;
- b. There will be no unnecessary damage to historic structures or diminution of its interest; and
- c. Where any additions are in keeping with other parts of the building”.

Policy Env 6 Conservation Areas – Development states that “development within the conservation area of affect its setting will be permitted which:

- a. Preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal;
- b. Preserves trees, hedges, boundary walls, railings, paving and other features which contribute positively to the character of the area; and
- c. Demonstrates high standards of design and utilises materials appropriate the historic environment”.

MATERIAL CONSIDERATIONS

GUIDANCE FOR BUSINESSES

The Guidance for Businesses (‘the Guidance’) was most recently updated by the CEC in November 2021. In relation to short term lets the Guidance states that in deciding whether planning permission will be required to change the use of a property into a short term let, regard will be had 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.

The Guidance states that proposals for a change of use will be assessed in terms of their likely impact on neighbouring residential properties. Factors which will be considered include background noise in the area and proximity to nearby residents. In the case of short stay commercial leisure apartments, the Guidance states that “the Council will not normally grant planning permission in respect of flatted properties where the potential adverse impact on residential amenity is greatest”.

The Guidance also states that “change of use in flatted properties will generally only be acceptable where there is a private access from the street, except in the case of Houses in Multiple Occupation”.

PROPOSED CITY PLAN 2030

The Proposed City Plan 2030 was published for a period of public consultation between November and December 2021. The Proposed Plan is currently at Examination with the DPEA.

Policy Env 33 relates to Amenity and states that “development will be supported by this policy where it is demonstrated that the amenity of future occupiers of the development and occupiers of neighbouring developments are not adversely affected by ensuring acceptable levels of amenity, particularly in relation to odour, space standards, noise, daylight, sunlight, privacy or immediate outlook”.

Policy Hou 7 Loss of Housing states that “proposals which would result in the loss of residential dwellings through demolition or a change of use will not be permitted, unless in exceptional circumstances, where it would provide necessary community facilities without loss of amenity for neighbouring residents”.

The supporting text for proposed Policy Hou 7 states that the retention of existing dwellings is important as a means of meeting housing need. Over the last decade, Edinburgh has witnessed a significant increase in the use of residential properties for short term lets, reducing the number of homes available. In some areas this has resulted in the dilution of the residential population. Over and above that, any change of use of residential properties to commercial uses can have a detrimental impact on the amenity of residents, particularly where there is a high density of people occupying one building with communal areas. For these reasons, the change of use of a residential unit will only be permissible in exceptional circumstances, such as where the change of use would provide necessary community facilities.

Policy Hou 8 Inappropriate Uses in Residential Areas 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”.

The supporting text for the policy states that “the intention of the policy is to preclude the introduction or intensification of non-residential uses incompatible with predominantly residential areas and prevent any deterioration in living conditions in more mixed-use areas, which nevertheless have important residential functions”.

AREAS OF AGREEMENT

CONSERVATION AREA

The application site is located within the New Town Conservation Area. No external alterations are proposed therefore the proposal will preserve, and not harm, the appearance of the Conservation Area. The change of use to a short term holiday let will not have any material impact on the appearance of the Conservation Area or the World Heritage Site.

Within the Council’s Report of Handling the City of Edinburgh Council considered that the proposal complies with Section 64 of the Planning (listed buildings and conservation areas) (Scotland) Act 1997 as it will preserve the character and appearance of the conservation area.

PARKING STANDARDS

The Report of Handling agrees that the proposals are in compliance with Transport Policies TRA2 and TRA3.

GROUNDS OF APPEAL

The City of Edinburgh Council refused the planning application with delegated powers on 04/07/2023

The decision notice stated 2 reasons for refusal:

3. The proposal is contrary to Local Development Plan Policy HOU7 in respect of inappropriate uses in residential areas, as the use of this dwelling as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.
4. The proposal is contrary to National Planning Framework Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation as the use of the dwelling as a short stay let will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified.

No reasons were given as to why the Council made the decision.

This section considers the Appellant’s detailed case in response to these main areas of dispute.

[The proposal is contrary to Local Development Plan Policy HOU7 in respect of inappropriate uses in residential areas, as the use of this dwelling as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.](#)

For completeness LDP Policy HOU7 reads:

“Developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted”.

The supporting text for Policy Hou 7 states that the intention of the policy is to preclude the introduction or intensification of non-residential uses incompatible with predominantly residential areas and to prevent any further deterioration in living conditions in more mixed-use areas, which nevertheless have important residential functions.

The site is located, close to the city centre and within the urban area, where a range and mix of uses are supported.

The site is located close to the local centre of Broughton, which is an attractive destination for residents, tourists and business users for retail and leisure facilities.

The site is located close to public transport, and active travel routes with the city’s main bus station, and train stations a 5-10 minute walk away.

The Council's Report of Handling states that the use of the property as an STL would introduce an increased frequency of movement to the property. It also states that transient visitors would have less regard for neighbours' amenity than individuals using the property as a principal home.

There is no evidence to suggest that the users of the STL would come and go any more frequently than existing residents into their own properties. There is also no evidence to suggest that guests would have less regard for neighbour's amenity than individuals using the property as a principal home. It is submitted that in many instances the guests will respect neighbour's amenity more than those that might live there full time. The appellant has a management programme which requests that guests are respectful to the amenity of nearby residents.

The Report of Handling notes that there would be additional servicing of the property if it were to operate as an STL. It is submitted that the domestic cleaning that is provided for the STL, is no different or frequent than private cleaners who are instructed to clean nearby domestic residences.

It is submitted that there is no evidence provided that supports the conclusion from City of Edinburgh Council that the additional servicing would be significantly different from the ambient background noise that neighbouring residents might reasonably expect.

Overall, the following is submitted in response to the City of Edinburgh Council's concerns and justification that the use of the property as a short term let will not detrimentally effect the living conditions of nearby residents:

- a. The location of the property is in an area actively marketed for tourist related activity, therefore it is not solely a residential area. The residents that currently live in Dean Village will be used to a number of tourists visiting the area, every day.
- b. The location of the property is an area which attracts a number of visitors for tourism, leisure, business and as an active travel route, therefore there is already activity within the area that is not just residential.
- c. The property is accessed by a private front entrance;
- d. The property is managed well by the appellant, who has not been informed of any complaints. Should any complaints arise, the appellant would be more than happy to consider these concerns, and act accordingly, in order to mitigate against them.
- e. The property does not allow party groups.
- f. The property is serviced by domestic cleaners, which is not dissimilar to a private cleaner being hired to clean a private residential property once or twice per week.

The proposal is contrary to National Planning Framework Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation as the use of the dwelling as a short stay let will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified.

NPF4 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. Specifically Policy 30(e) states:

- e) 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.

It is submitted that the impact upon local amenity is set out above, when addressing the first reason for refusal.

The second part of this reason for refusal relates to the loss of residential accommodation and where this loss has not been justified against demonstrable local economic benefit.

The property has been operating as a short term let since June 2018. It has not been operating as a residential property for a significant number of years and there is no demonstrable loss to residential accommodation. The Report of Handling states that where there is a loss of residential property (which the Council considers there is); this will only be supported where the economic benefits of the proposals are outweighed by demonstrable local economic benefits.

There is positive policy support in both the LDP and NPF4 for tourism and the economic benefits this brings to the City. It is acknowledged within this planning policy that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. It is agreed by the City of Edinburgh Council that the use of the property by guests and the required maintenance and upkeep of the STL will result in a level of job creation and spend within the economy which can be classed as having an economic benefit.

It should also be noted that the type of accommodation being provided by an STL differs from the standard offer of accommodation from a hotel or a guest house. An STL offers flexibility to its users, that hotels and guests houses cannot provide. The importance of Edinburgh being able to provide this type of offer is an important factor for those residents choosing where to stay in a City. If Edinburgh cannot offer this type of affordable and flexible accommodation, users will simply not be attracted, and choose alternative destinations to visit. This is a very important economic consideration, and outweighs the benefits of using the property as a residential use.

The City of Edinburgh Council have commissioned a study on the Economic Impact of Residential and Short-term let properties in Edinburgh. This study was reported to the Council's Planning Committee on 14 June 2023. MKA Economics Ltd were appointed by the Planning Service to conduct an independent assessment of the economic impact of various types of property in Edinburgh if being used for residential purposes and provide a comparison if being used for short term let purposes. The report concluded that there are positive economic impacts from the use of properties for both residential and short term let use.

Figure 1.8: Economic Impact of Residential and Short Term Let Properties

Edinburgh Average - Residential				Edinburgh Average - Short Term Let			
Unit Size	Net Local FTE Jobs	Net Annual Local GVA Impact	Gross Annual National and Local Taxation	Unit Size	Net Local FTE Jobs	Net Annual Local GVA Impact	Gross Annual National and Local Taxation
1 bed	0.19	7,516	7,301	1 bed	0.23	4,714	12,419
2 bed	0.31	12,559	16,267	2 bed	0.43	8,764	21,991
3 bed	0.49	19,699	22,065	3 bed	0.60	12,288	30,467
4 bed	0.62	25,117	32,040	4 bed	0.75	15,293	37,878
5 bed	0.77	31,212	42,355	5 bed	1.03	21,018	51,650

Edinburgh Central - Residential				Edinburgh Central - Short Term Let			
Unit Size	Net Local FTE Jobs	Net Annual Local GVA Impact	Gross Annual National and Local Taxation	Unit Size	Net Local FTE Jobs	Net Annual Local GVA Impact	Gross Annual National and Local Taxation
1 bed	0.20	£ 8,212	£ 8,088	1 bed	0.29	£ 5,990	£ 15,542
2 bed	0.33	£ 13,208	£ 16,937	2 bed	0.55	£ 11,137	£ 27,840
3 bed	0.51	£ 20,706	£ 22,780	3 bed	0.77	£ 15,775	£ 38,970
4 bed	0.66	£ 26,417	£ 33,174	4 bed	1.05	£ 21,470	£ 52,548
5 bed	0.82	£ 32,841	£ 43,142	5 bed	1.10	£ 22,412	£ 55,537

Figure 1.8 is taken directly from the MKA report and provides a comparison of the economic impact between residential properties and short term lets for all of Edinburgh, and for the Central area, where Well Court is located. It is noted that the Net Annual Local GVA impact is more for a residential property, than for a short term let. However it is also noted that the Gross Annual National and Local Taxation is higher for a short term let than for a residential property. Net local FTE jobs are also higher for a short term let property, compared with a residential use.

It is considered that the conclusions in the report do not provide a demonstrable local economic benefit if the property is operated as a residential property or as a short term let. There appears to be economic benefits to both types of uses. On that basis, it is submitted that, to date, it has not been demonstrated whether there is a demonstrable economic benefit to either use. It has been proven that there is an economic benefit to short term lets, within the MKA report, and as such, it is submitted that the loss of residential can be justified on that basis.

It is also important to note that in this instance the proposed use will not result in a loss of residential accommodation, since the house will still be used by the applicant, their family and their business associates for much of the year, with the aim being to provide an economic benefit to the city when the property would otherwise be unused and making no such contribution. Therefore, there would be no loss of residential accommodation if it were allowed to continue with short term lets. If the appellant is unable to obtain a planning permission / a short term let licence, the property will sit vacant during the periods when their employees are not utilising it. This would not only be an inefficient use of resources but also potentially impact the security and maintenance of the property. An empty property would potentially attract the interest of burglars and have a negative impact on the area.

It is submitted therefore, that there is economic justification for the use of the property as a short term let, and that these outweigh the Council's considered loss of residential development.

As confirmed before, the Appellant will also be willing to accept a time limit as to when the property could operate as a short-term let throughout the year. Attachment no 8 – Bookings summary, outlines the number of bookings the Appellant has had since June 2018. Within the last 5 years, the property was used as short-terms lets only for 146 nights, which is approximately 8% of the entire period. The Appellant can provide copies of the booking

calendar, and any other appropriate documentation to prove they stay compliant with the potential permitted time limits to continue operating Short Term Lets at 4 Barony Place. The proposed use of the property to continue operating as Short Term Lets for approx. 26 weeks per year can be further limited as the current booking statistics shown in Attachment no 8 prove the bookings are less frequent, and the property is mostly used for rental by the company representatives.

The Appellant does not have an agent in Edinburgh due to the small number of bookings, and the frequent presence of the company representatives in Edinburgh (at least once a week). While the Appellant's company has the registered office address in Aberdeen, one of the company directors has his main, permanent residential address in Edinburgh (Bryson Road, EH11 1DY) and works in Edinburgh on daily basis. As shown, the bookings are sporadic, and the Appellant can also oblige to only accept the bookings while one of the company representatives is present in Edinburgh to assist the guests if needed.

4 Barony Place is a detached house which significantly reduces the likelihood of any noises or disturbance complaints from the neighbouring properties. The windows do not overlook into another property. This ensures a high level of privacy and minimises the potential for any discomfort for both guests as well as the residents in the area. The Appellant committed to actively monitoring and managing the property during the short term stays by conducting regular inspections, to ensure compliance with any necessary regulations. By taking these proactive measures, the Appellant aims to maintain a harmonious environment and uphold the interest of all parties involved. Since the Appellant started operating short terms lets in June 2018 there has been no noise or disturbance complaint made. Given a limited number of bookings, careful selection of the incoming guests and the company's director presence within 10 – 15 minutes from the property, it is highly unlikely for the neighbours to experience any noise problems in the future.

CONCLUSION

It is not unusual for tourist accommodation to be located within residential areas, particularly those within and close to the city centre with there being many examples of such uses within Edinburgh, and that being a key attraction of the property to visitors. The property has been used as a short term let since 2018, and it is clearly now an established part of the character of the neighbourhood, and no evidence has been provided in the Report of Handling to support the assertion that the change of use will have an unacceptable impact on neighbouring amenity. Indeed, the Report of Handling refers to the fact that it may have such impact, but there have not been any reports of noise or other nuisance as a result of this use over the last 5 years, with no potential for such impact given that the property has its own access and no outdoor amenity space.

In respect of amenity and character of the area, we would like to note that whilst Barony Place itself may comprise residential properties, looking beyond the immediate street there are in fact a mix of uses including pubs, restaurants and shops on Broughton Street, service sector businesses and galleries on Barony Street and other tourist accommodation nearby, such that the character of the area should be considered as being mixed use within which the proposed change of use would sit very comfortably.



Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100622607-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Change of use to a short term let during periods of non occupation.

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place? (Answer 'No' if there is no change of use.) * Yes No

Has the work already been started and/or completed? *

- No Yes – Started Yes - Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

Please explain why work has taken place in advance of making this application: * (Max 500 characters)

On occasion, the building has been let for short-term occupation. This application relates to the changes introduced by the City of Edinburgh Council in relation to the STL-controlled area.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application) Applicant Agent

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

78.19

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Occasional short-term lets and part-time residential use.

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

1

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

1

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Do your proposals make provision for sustainable drainage of surface water? * (e.g. SUDS arrangements) *

Yes No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? * Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * Yes No

If Yes or No, please provide further details: * (Max 500 characters)

No change to existing waste provision are required

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? * Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? * Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 * Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Mr Robin Keane

On behalf of:

Date: 27/03/2023

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) if this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) if this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) if this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) if this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) if this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) if this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

if Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. * Yes N/A

A Design Statement or Design and Access Statement. * Yes N/A

A Flood Risk Assessment. * Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * Yes N/A

Drainage/SUDS layout. * Yes N/A

A Transport Assessment or Travel Plan Yes N/A

Contaminated Land Assessment. * Yes N/A

Habitat Survey. * Yes N/A

A Processing Agreement. * Yes N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Robin Keane

Declaration Date: 27/03/2023

Payment Details

Online payment: 6800132748126645604237;

Payment date: 28/03/2023 15:26:00

Created: 28/03/2023 15:26

Adelphi 19 Limited.
FAO: Robin Keane
19 Adelphi
Aberdeen
AB11 5BL

Decision date: 4 July 2023

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013

Change of use to a short term let during periods of non-occupation.
At 4 Barony Place Edinburgh EH3 6PB

Application No: 23/01383/FULSTL

DECISION NOTICE

With reference to your application for Planning Permission STL registered on 4 April 2023, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

Reason for Refusal:-

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this property as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal is contrary to National Planning Framework 4 Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short stay let will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01, 02, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The proposal is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve the character or appearance of the conservation area.

The change of use of this property to a short-term let (STL) will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity or loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Lesley Porteous directly at lesley.porteous@edinburgh.gov.uk.



Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at www.eplanning.scot or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email localreviewbody@edinburgh.gov.uk.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

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Report of Handling

**Application for Planning Permission STL
4 Barony Place, Edinburgh, EH3 6PB**

Proposal: Change of use to a short term let during periods of non-occupation.

**Item – Local Delegated Decision
Application Number – 23/01383/FULSTL
Ward – B11 - City Centre**

Recommendation

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

Summary

The proposal is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve the character or appearance of the conservation area.

The change of use of this property to a short-term let (STL) will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity or loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

SECTION A – Application Background

Site Description

The application site is a two-bedroom, two-storey dwelling at 4 Barony Place, Broughton. The property has its own main door access on to Barony Place. There is no private or shared amenity space. The surrounding area is predominantly residential and to the north is a children's play area and park.

The site lies within the New Town Conservation Area and the Old and New Towns of Edinburgh World Heritage Site.

Description Of The Proposal

The application is for a change of use from residential to short term let during periods of non-occupation for longer term rentals (approximately 26 weeks of the year). No internal or external physical changes are proposed. The applicant has advised that the property has been used as a short term let since 2018. Therefore, the application is retrospective.

Supporting Information

National Planning Framework 4 Planning Statement.

Relevant Site History

No relevant site history.

Other Relevant Site History

No other relevant planning site history.

Consultation Engagement

No consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 4 July 2023

Date of Advertisement: 14 April 2023

Date of Site Notice: 14 April 2023

Number of Contributors: 4

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 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

a) The proposals harm the character or appearance of the conservation area?

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

There are no external changes proposed. The change of use from a residential premises to a short term let will not have any material impact on the character of the conservation area. The change of use would preserve 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?

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 policies to be considered are:

- NPF4 Sustainable Places Policy 1.
- NPF4 Historic Assets and Places Policy 7.
- NPF4 Productive Places Tourism Policy 30.
- LDP Housing Policy Hou 7.
- LDP Transport Policies Tra 2 and Tra 3.

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering historic assets. The non-statutory 'Guidance for Businesses' (2023) is a material consideration that is relevant when considering change of use applications.

Conservation Area and World Heritage Site

There are no external or internal works proposed and as such there will not be a significant impact on historic assets and places. The proposal complies with NPF 4 Policy 7.

Proposed Use

With regards to NPF 4 Policy 1, the proposals do not involve operational development. 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 (2023) 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 application property has its own main door access on to Barony Place. There are four/five storey tenements immediately to the west and the property bounds the gardens of the four-storey tenements to the south on Barony Street. Consequently, the character of the street is fairly quiet with low ambient noise levels.

The applicant has submitted a supplementary planning statement referring to NPF 4 Policy 30 (e). In terms of amenity, the statement confirms that the owner strictly prohibits partying and has a zero tolerance of any form of disruptive behaviour that may affect the neighbourhood and is committed to maintaining a professional and respectful residential environment.

Although it has its own main door access, the use of this property as a short term let would have the potential to introduce an increased frequency of movement to the dwelling at unsociable hours. The proposed two bedroom short stay use would enable visitors to arrive and stay at the premises for short periods of time at particular stages throughout the year in a manner dissimilar to that of permanent residents. There is no guarantee that guests would not come and go frequently throughout the day and night and transient visitors may have less regard for neighbours' amenity than individuals using the property as a principal home. There may also be a negative impact on community cohesion.

The additional servicing that operating a property as an STL requires compared to that of a residential use is also likely to result in an increase in disturbance, further impacting on neighbouring amenity. However, this would be of lesser impact as it is likely that servicing would be conducted during the daytime.

The potential for noise described above would be significantly different from the ambient background noise that neighbouring residents might reasonably expect and will have a significantly detrimental effect on the living conditions and amenity of nearby residents. The proposal does not comply with NPF 4 policy 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.

Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. The use of the property by guests and the required maintenance and upkeep of STL properties are likely to result in a level of job creation and spend within the economy which can be classed as having an economic benefit.

The applicant's planning statement sets out that for 26 weeks of the year the property is being used for rental by company employees. For the remaining 26 weeks the applicant wishes to use the property for STLs. The statement asserts that this helps to maximise occupancy of the property throughout the year. It states that this arrangement provides valuable accommodation for tourists and eases pressure on other accommodation services in the city centre.

The current lawful use of the property is for residential accommodation. However, the use of the property as an STL for a period of 26 weeks in the year would result in a material change of use of the property. This means a loss of residential accommodation, which given the recognised need and demand for housing in Edinburgh is important to retain, where appropriate.

Further, it is important to recognise that residential occupation of the property contributes to the economy, in terms of providing a home and the spend in relation to the use of the property as a home, including the use of local services and resultant employment, as well as by making contributions to the local community.

In this instance, it has not been sufficiently demonstrated that the loss of the residential accommodation is outweighed by demonstrable local economic benefits. As such, the proposal does not comply with NPF 4 30(e) part (ii).

Parking Standards

There is a parking space provided in front of the property. The site is accessible by public transport and within walking distance of the city centre. There is no cycle parking standards for STLs. Bikes could be parked within the property if required. The proposals comply with LDP policies Tra 2 and Tra 3.

Conclusion in relation to the Development Plan

The change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation in this case it does not outweigh the adverse impact on residential amenity. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7.

c) 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

A summary of the representations is provided below:

material considerations

- Destroys the residential character of the area. Addressed in b) above.
- Negative impact on residential amenity. Addressed in b) above.
- Negative impact on housing stock. Addressed in b) above.

-Ruins community cohesion. Addressed in b) above.

non-material considerations

-Applicant is not local. This is not a material planning consideration.

-There are too many STLs already. Each application must be assessed on its individual merits.

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 Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve the character or appearance of the conservation area.

The change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity or loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reason for Refusal

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this property as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.

2. The proposal is contrary to National Planning Framework 4 Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short stay let will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 4 April 2023

Drawing Numbers/Scheme

01, 02

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Lesley Porteous, Planning Officer
E-mail:lesley.porteous@edinburgh.gov.uk

Appendix 1

Consultations

No consultations undertaken.

Application Certification Record

Case Officer

I have assessed the application against the City of Edinburgh Council's Scheme of Delegation (2023) Appendix 6 – Chief Planning Officer and the Statutory Scheme of Delegation (2023) and can confirm the application is suitable to be determined under Local Delegated Decision, decision-making route.

Case Officer: Lesley Porteous

Date: 28 June 2023

Authorising Officer

To be completed by an officer as authorised by the Chief Planning Officer to determined applications under delegated powers.

I can confirm that I have checked the Report of Handling and agree the recommendation by the case officer.

Authorising Officer (mRTPI): Elizabeth McCarroll

Date: 3 July 2023

Adelphi 19 Limited.
FAO: Robin Keane
19 Adelphi
Aberdeen
AB11 5BL

Date: 10 May 2023

Your ref: 23/01383/FULSTL

Dear Sir/Madam

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (as amended):

Change of use to a short term let during periods of non-occupation.

4 Barony Place Edinburgh

EH3 6PB

REFERENCE NUMBER: 23/01383/FULSTL

REQUEST FOR INFORMATION

The [Revised Draft National Planning Framework 4](#) (NPF 4) was approved by the Scottish Parliament on 11 January 2023. This plan is now a significant material consideration and is due to become part of the Development Plan from 13 February 2023. All planning applications must be considered against the relevant policies contained within NPF 4 in addition to the [Edinburgh Local Development Plan](#) (LDP).

NPF 4 contains a specific policy on short term lets, Policy 30(e) states:

e) 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.

If you wish to provide a planning statement on how your proposal complies with the above policy, please do so by **24 May 2023**. This must be uploaded via eplanning.scot using application number **23/01383/FULSTL**.

Yours faithfully

Planning Officer

Adelphi 19 Limited.
FAO: Robin Keane
19 Adelphi
Aberdeen
AB11 5BL

Date: 10 May 2023

Your ref: 23/01383/FULSTL

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Yours faithfully

Planning Officer



LAND REGISTER
OF SCOTLAND

Officer's ID / Date

3821
1/10/2006

TITLE NUMBER

MID94943



ORDNANCE SURVEY
NATIONAL GRID REFERENCE

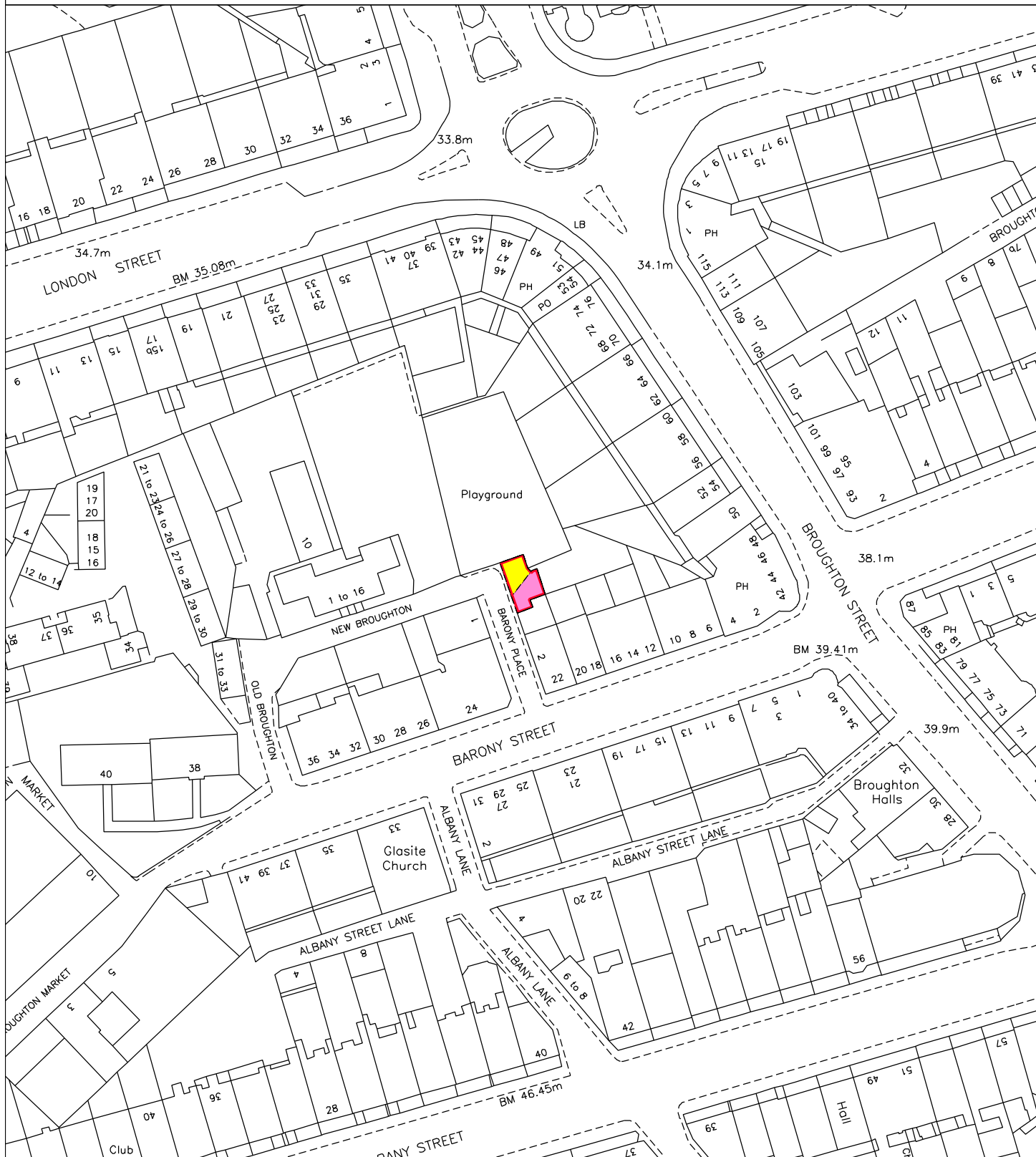
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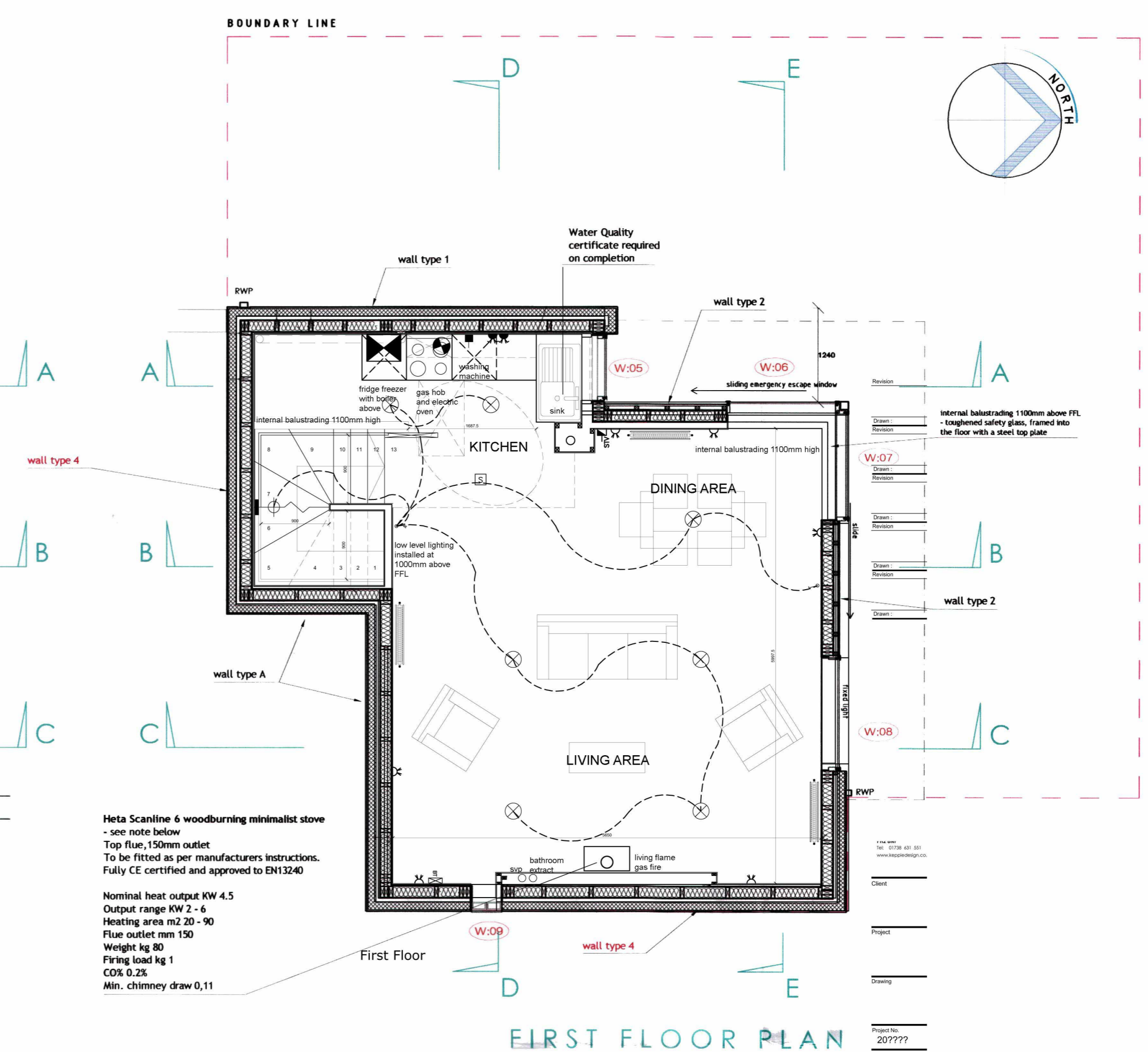
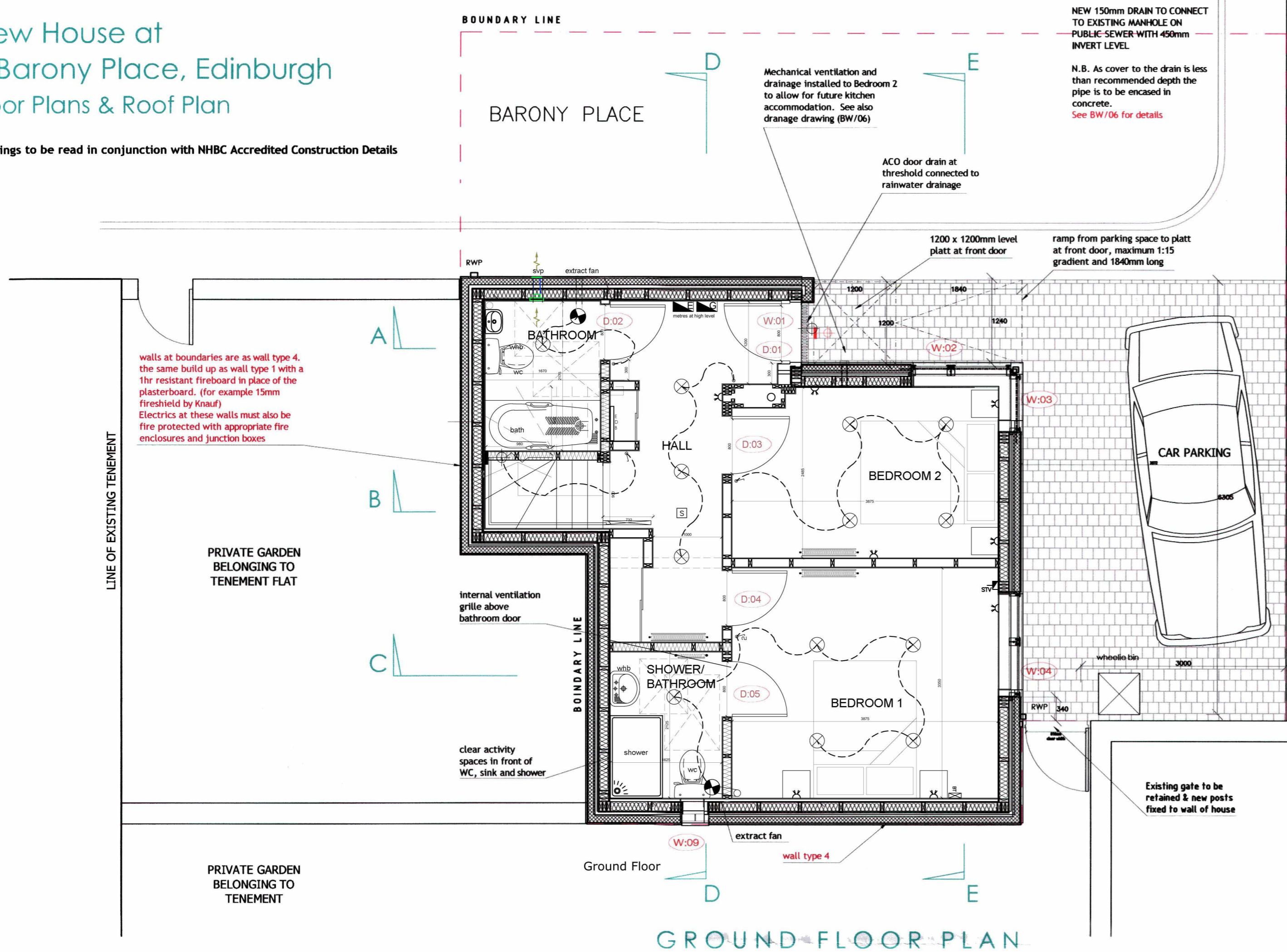
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New House at 4 Barony Place, Edinburgh Floor Plans & Roof Plan

All drawings to be read in conjunction with NHBC Accredited Construction Details



GENERAL NOTES

Do not scale off this drawing. All dimensions to be checked on-site prior to ordering of materials.

All works are to be carried out in accordance with the Building (Scotland) Regulations 2004 and all current amendments.

Every service, fitting or piece of equipment provided so as to serve a purpose of the Regulations should be designed, installed, and commissioned in such a way as to fulfil those purposes.

Structural Works

All structural work to be carried out in accordance with the Building (Scotland) Regulations 2004 (section 1) and to the structural engineer's specification & drawings.

DRAWINGS TO BE READ IN CONJUNCTION WITH STRUCTURAL ENGINEER'S INFORMATION

ANY DEVIATION FROM THE STRUCTURAL ENGINEER'S DETAILS AND SPECIFICATION MUST FIRST BE DISCUSSED WITH THE ENGINEER AND ARCHITECT.

Ventilation

All mechanical and natural ventilation to comply with the Building (Scotland) Regulations 2004 (section 3.14) and CIBSE recommendations.

Kitchen extract to be capable of providing ventilation rate of 30l/s (intermittent). Fan to be mounted above cooker hob, and ducted through roof via an in-line slate vent.

Bath/shower room extract fan to be centrifugal in-line fan with integral electronic adjustable over-cut timer, capable of providing ventilation rate of 15l/s (intermittent). Fan to be ceiling mounted and ducted through roof to proprietary terminal.

Trickle ventilation of 8000mm² minimum to be provided to all apartments, and 4000mm² to all other rooms.

A spillage test is to be carried out on any open-flued appliances in dwelling prior to submission of completion certificate.

Glazing

All glass to be safety glass below a height of 800mm and up to 1500mm at doors, in accordance with BS 6262 (2005).

Roof lights to be self cleaning and high level glazing to be cleaned by system of extendible poles.

W10 to be top hung inward opening window, cleaned by system of extendible poles internally.

Water

Water supply for dwelling to be provided from mains supply in public road.

All water services and installations to comply with all current water bylaws and be fitted in accordance with the latest CIBSE recommendations and current Building (Scotland) Regulations 2004.

Water quality certificate required on completion.

Heating & Conservation of fuel and power:

Domestic hot water & space heating to be supplied from Vokera "Linea HE" gas-fired condensing combi-boiler (SEDBUK "A" rated).

All new hot water pipework is to be insulated in accordance with BS 5422 : 2001.

Radiators to be Stelrad "PLANAR". Controls for space heating are to be in accordance with Standard 6.3, and in accordance with Good Practice Guide 302 (Energy efficient best practice in housing). The dwelling is to be zoned, with independent time and temperature controls. Each zone is to have a room thermostat, and a single multi-channel programmer or multiple heating zone programmers.

All external doors and windows are to be fitted with draft strips. All sills and lintels are to be detailed and installed in accordance with the Design Guide to New Buildings to avoid cold bridging.

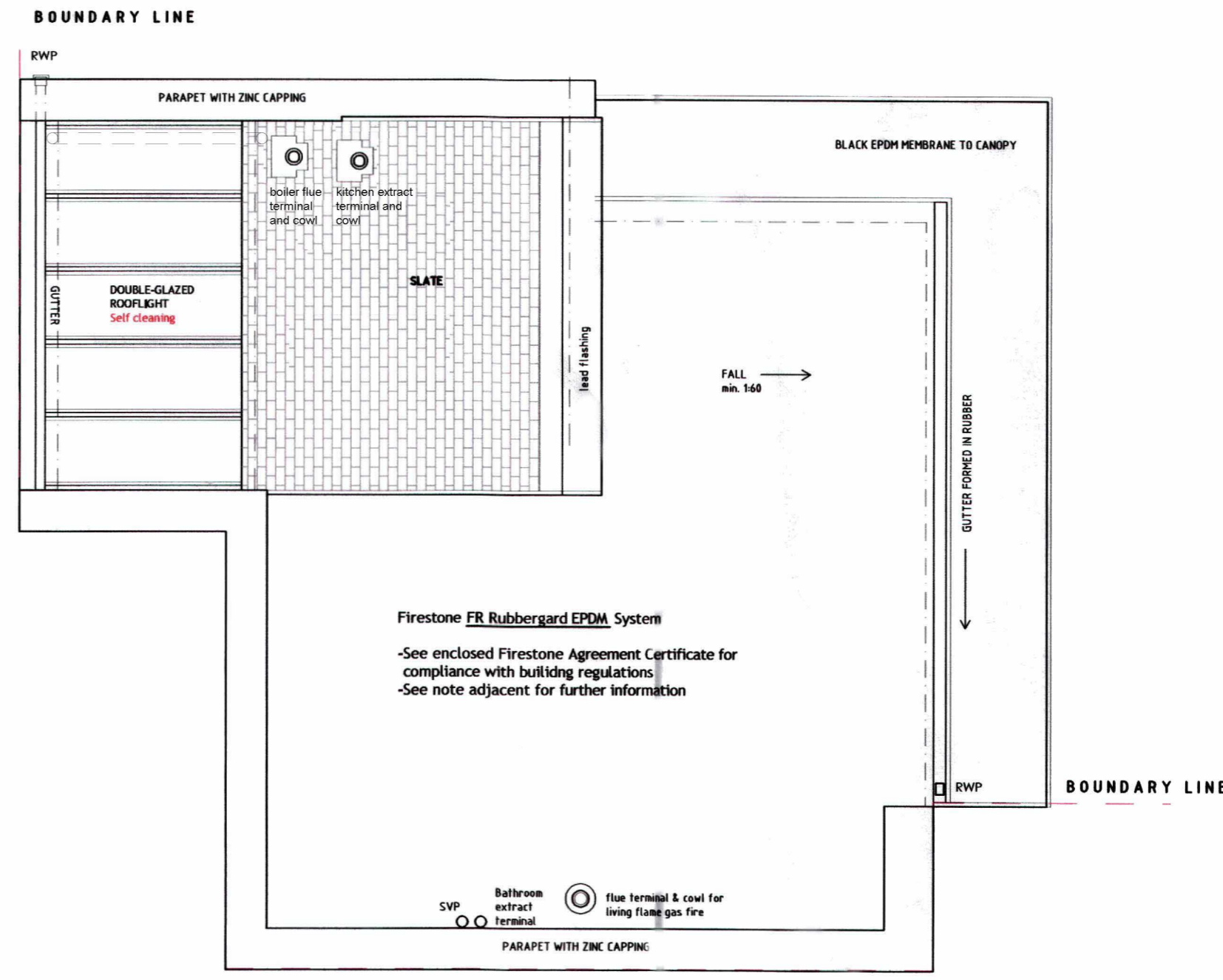
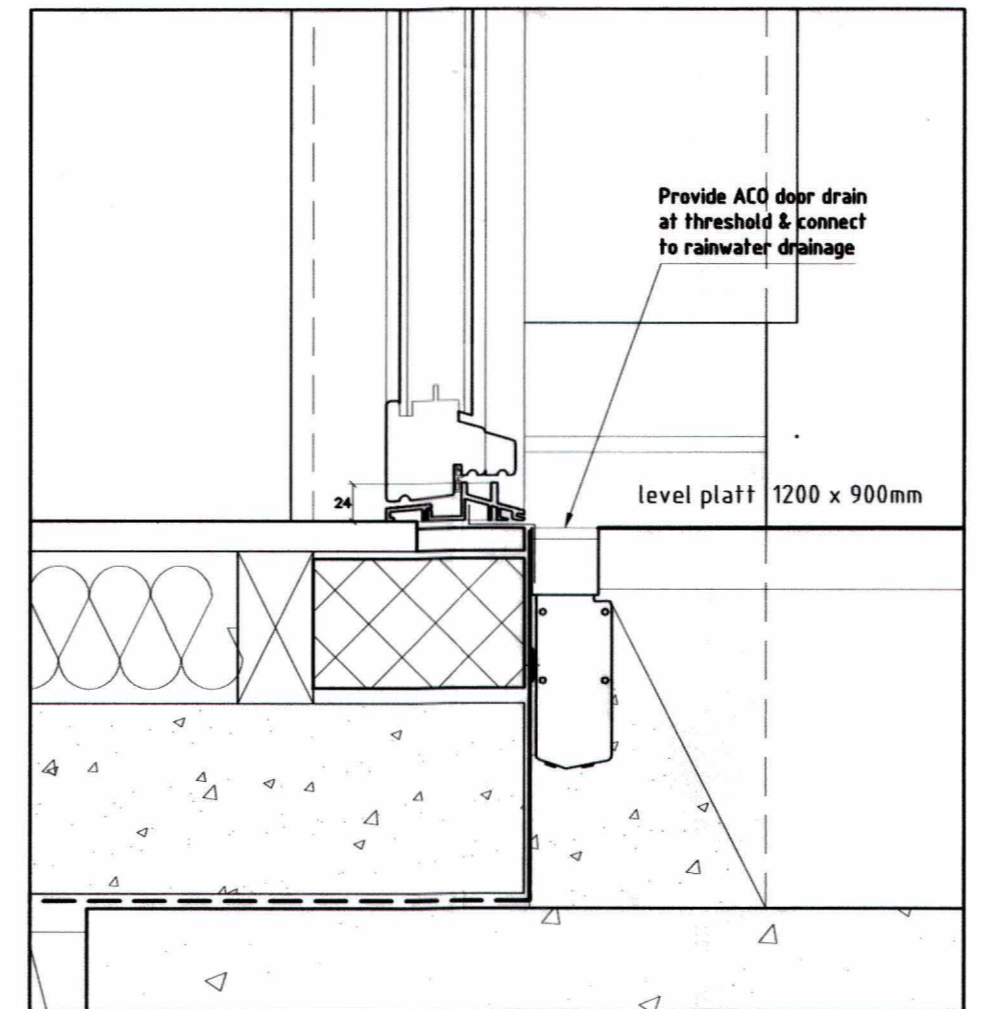
Construction is to be in accordance with BRE Report BR262: Thermal insulation, avoiding risks - 3rd Edition (2002). All junctions of plasterboard to windows, doors, ceilings and floor (or skirting) to be sealed. All M&E fittings are to be in air-tight units.

All vapour control membranes and holes through the external building fabric are to be sealed.

- Electrical Installation**
- NOTES:**
- Electrical Fittings - All to be carried out in accordance with current IEE Regulations & BS7671:2001.
- Light switches to be positioned Max 1200mm above FFL (unless noted.) Sockets etc. to be positioned Min 450mm above FFL (unless noted.) Sockets above worktops to be positioned 150mm above projecting surface. Sockets to be positioned 350mm min from any internal corner.
- 75% of lighting fittings to be energy efficient type.
- Smoke Detectors to be in accordance with BS5446 and fitted in accordance with BS5839. Complete with emergency back up and alarm pause button fixed to ceiling at least 300mm from any wall or light fitting and permanently wired to a separately fused circuit at the distribution board. Where more than one self contained alarm is installed, the smoke detectors should be inter-connected so that the detection of smoke by one unit will operate in all units.
- Heat alarms to conform to BS 5446: Part 2: 2003
- ELECTRICAL LEGEND**
- Wall electrical switch - Single - installed min 450mm above FFL, unless stated
 - Wall electrical switch - Double - installed min 450mm above FFL, unless stated
 - Wall electrical switch - Double - installed at counter height, unless stated
 - Wall electrical switch - Cooker Isolator switch - installed at counter height, unless stated
 - Wall light switch - Single - installed max 2000mm above FFL, unless stated
 - Wall light switch - Double - installed max 1200mm above FFL, unless stated
 - Automatic External Light Fitting Soffit Mounted
 - Recessed downlighter
 - Wall mounted light point
 - Ceiling mounted Extract Fan
 - Wall socket - Sky Television point - installed min 450mm above FFL, unless stated
 - Wall socket - Telephone point - installed min 450mm above FFL, unless stated
 - Wall mounted - Electrical Distribution Board
 - Electric metre
 - Gas metre
 - Ceiling mounted - Optical Smoke Detector
 - VOKERA condensing gas combi boiler
 - radiator
 - heated towel rail

- Lighting:**
- Artificial lighting to be as indicated on plan. Recessed downlighters are to be fitted with low-energy LED bulbs. Concealed ambient lighting to be provided by 75 low-energy fluorescent fittings. Minimum 80% of the fixed light fittings in the dwelling are to be low-energy type.
- Fire Detection / Fire Warning System:**
- Smoke alarms to be located within circulation areas which will be used as escape routes within 7m of door to living room and kitchen and within 3m of doors to bedrooms (provisional positions as shown on plan). Ceiling mounted smoke alarms to be located at least 300mm away from any wall or light fitting. If wall mounted located not less than 150mm and not more than 300mm below the ceiling.
- Smoke alarms are to be interconnected with power supply permanently wired to an independent circuit at the dwellings main distribution board, and to have standby supply complying with BS 5446 - Part 1 : 2000. Alarm system to be installed to comply with Standard 2.11.2.
- Stair & balustrade:**
- Internal hardwood stair to have riser of approx. 200mm & going of approx. 245mm. All risers to be equal; exact height to be confirmed with site measurements prior to ordering. Winders to have equally tapered treads, with 75mm min. tread at narrow end. Clear width of stair to be 925mm. Handrail to be wall mounted at a height of 900mm measured vertically from pitch line of stair. Stair to have minimum head height of 2m.
- External works**
- Driveway and paving up to front door to be Tegula Drivesett from Marshalls, in Pennant Grey. To be laid coursed, in random lengths.
- Access:**
- Path from parking bay to front door to be min. 900mm wide, with 1200x1200mm level platt at front door. Ramp up to platt to be maximum 1:15 gradient.
- Threshold at front door to be accessible (see detail) & clear opening width of entrance door to be minimum 800mm. Aco drain to be provided at threshold.
- Entryphone to be situated between 900mm & 1.2m above the entrance platt. Automatic illumination to be provided over entrance door with external light operated with PIR sensor.
- Corridors on the accessible level are min. 1200mm wide. Clear opening width of all internal doors to be minimum 800mm.

- Multi-fuel stove in living area**
- Multi-fuel stove to be Heta "Scanline 6" [height 630mm, width 420mm, depth 390mm] - 4.5kw output, to be installed in accordance with manufacturer's specifications. The wall behind the stove is to be clad in tiles or other non-combustible material to provide a non-combustible wall type. Flue to be 150mm internal diameter twin-walled, insulated stainless steel flue manufactured to BS EN 10086-1:1995, and constructed in accordance with Clause 9 of BS303: Part 1:1994 (Selkirk SF, or similar approved), to be connected directly to stove with minimum 50mm distance from combustible materials where flue passes through intermediate floor or roof space.
- Floor to be tiled under stove, extending 150mm beyond the sides, 300mm beyond the front and at least 50mm to the back meeting the non-combustible wall (tile clad), in accordance with clause 3.19.8 of Domestic Scottish Regs. [May 2009].
- A permanent notice, located in an unobscured position adjacent to the electricity meter or water stop-cock, should be installed to note the following information:
- location of the hearth, fireplace or beginning of the flue;
 - a chimney designation string in accordance with BS EN 1443: 2003 where appropriate;
 - the category of the flue, and generic types of appliance that can be safely accommodated;
 - the type and size of the flue ;
 - the installation date .
- Firestone FR Rubbergard EPDM System**
- single layer waterproofing membrane
- Weather-tightness:**
- The system and joints in the system, when completely sealed and consolidated, will resist the passage of moisture to the interior of the building.
- Properties in relation to fire:**
- Tests indicate that the system will enable a roof to be unrestricted under Building Regulations.
- Resistance to wind uplift:**
- The system will resist the effects of any wind suction likely to occur in practice.
- Resistance to foot traffic:**
- The system will accept the limited foot traffic and loads associated with installation and maintenance of the system without damage.
- Durability:**
- Under normal service conditions the system will provide a durable waterproof covering with a service life of at least 20 years.



ACCESSIBLE THRESHOLD DETAIL 1:5

ROOF PLAN

Note:

- All work shall be carried out in accordance with the Building (Scotland) Regulations 2004
- There shall, prior to commencement of building operations, be erected protective works to separate the site or building from the public road
- The Local Authority shall be notified when the erection of the protective works are complete in order that the Council can arrange to inspect the works.
- All relevant authorities shall be consulted before construction: Scottish Water, Environmental & Consumer Services and Highways

client	Trinity Factors		
job title	4 Barony Place, Edinburgh		
drawing title	Floor Plans and roof Plan		
reference	029/BW		
scale (at A1)	drawn	chk	date
1:50	ob	jb	07.06.06
job no.	drawing no.	revision	
029	BW/01	D	

Booking	Date	Number of nights booked	Year
Reservation	15/08/2023	4	2023
Reservation	07/08/2023	3	2023
Reservation	26/05/2023	2	2023
Reservation	20/05/2023	1	2023
Reservation	28/12/2022	5	2022
Reservation	23/08/2022	7	2022
Reservation	11/12/2021	2	2021
Reservation	11/02/2021	9	2021
Reservation	11/02/2021	9	2021
Reservation	11/02/2021	9	2021
Reservation	12/26/2019	5	2019
Reservation	10/04/2019	3	2019
Reservation	09/27/2019	3	2019
Reservation	09/20/2019	3	2019
Reservation	09/14/2019	4	2019
Reservation	09/05/2019	3	2019
Reservation	08/05/2019	3	2019
Reservation	08/01/2019	4	2019
Reservation	06/28/2019	3	2019
Reservation	06/21/2019	3	2019
Reservation	06/16/2019	3	2019
Reservation	06/03/2019	7	2019
Reservation	05/30/2019	4	2019
Reservation	05/21/2019	6	2019
Reservation	05/21/2019	6	2019
Reservation	12/29/2018	4	2019
Reservation	09/15/2018	2	2018
Reservation	09/10/2018	3	2018
Reservation	09/08/2018	1	2018
Reservation	09/07/2018	1	2018
Reservation	09/03/2018	2	2018
Reservation	08/30/2018	3	2018
Reservation	08/23/2018	1	2018
Reservation	08/18/2018	5	2018
Reservation	08/09/2018	3	2018
Reservation	08/08/2018	1	2018
Reservation	08/02/2018	3	2018
Reservation	07/21/2018	2	2018
Reservation	07/19/2018	1	2018
Reservation	06/23/2018	1	2018
Reservation	06/21/2018	2	2018
	TOTAL number of nights booked	146	

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