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Sciennes House Place
9 23 Craiglockhart Grove
Edinburgh
EH141ET

Decision date: 7 November 2022

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

Change residential one bedroom property into a self catering outlet (in retrospect).
At 1F1 9 Sciennes House Place Edinburgh EH9 1NN

Application No: 22/03018/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 21 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;

Conditions:-

Reasons:-

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

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

Drawings 01-03, 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 regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will not harm the character or appearance of the conservation area.

However, the proposal will have a materially detrimental effect on the living conditions and amenity of nearby residents. It does not comply with LDP Policy Hou 7 or with the objectives of SPP, as it will not contribute towards sustainable development. There are no material considerations that outweigh this conclusion.

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 Stephanie Fraser directly at stephanie.fraser@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
1F1 9 Sciennes House Place, Edinburgh, EH9 1NN**

Proposal: Change residential one bedroom property into a self catering outlet (in retrospect).

**Item – Local Delegated Decision
Application Number – 22/03018/FUL
Ward – B15 - Southside/Newington**

Recommendation

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

Summary

The proposal is acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will not harm the character or appearance of the conservation area.

However, the proposal will have a materially detrimental effect on the living conditions and amenity of nearby residents. It does not comply with LDP Policy Hou 7 or with the objectives of SPP, as it will not contribute towards sustainable development. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application refers to a first floor flat within a 4-storey tenement, accessed through a shared communal stair. The property comprises one bedroom, a living room/dining room, kitchen and shower room. There is also a shared communal courtyard garden to the rear.

The property is located in the mixed use area of Newington on a predominantly residential street. To the East, the property is in close proximity to the amenities on Casewayside including a range of shops, restaurants and cafes. The site is in close proximity to the city centre and is easily accessible by public transport links.

The site is located within the Southside Conservation Area.

Description Of The Proposal

The application is for the change of use (in retrospect) from a residential one bedroom property into a short term let (STL) (sui generis).

Relevant Site History

No relevant site history.

Other Relevant Site History

Consultation Engagement

No consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 7 November 2022

Date of Advertisement: 29 July 2022

Date of Site Notice: 29 July 2022

Number of Contributors: 5

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 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

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:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;

- 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?

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

- *Managing Change - Conservation Areas*

The South Side Conservation Area Character Appraisal emphasises the harmonious scale, massing and materials and the significance of key institutional buildings within the area.

There are no external changes proposed. Therefore, there will be no adverse impact on the character or appearance of the conservation area.

Conclusion in relation to the conservation area

The proposal has regard to the desirability of preserving or enhancing the character or appearance of the conservation area. The proposal is acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) The proposals comply with the development plan?

The development plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Environment Policy Env 6
- 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 Policy Env 6.

The non-statutory 'Guidance for Businesses' is a material consideration that is relevant when considering Policy Hou 7.

Conservation Area

The impact on the character and appearance of the conservation area has been considered above in 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 LDP Policy Env 6.

Principle of Development

The application site is situated in the urban area as defined in the adopted Edinburgh Local Development Plan (LDP).

The main policy that is applicable to the assessment of STLs is LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) which states that developments, including changes of use which would have a materially detrimental impact on the living conditions of nearby residents, will not be permitted.

The non-statutory Guidance for Businesses sets out a number of criteria that are considered in an assessment of the materiality of a change of use of dwellings to a STL:

- 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.

Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. Whilst there is not a specific LDP policy relating to the jobs created through the required care, maintenance and upkeep of SVCA properties, the economic benefits are a material planning consideration.

The property is accessed through a communal stair and is located on Sciennes House Place which is a predominantly residential street. The use of the property as a short term let would likely introduce an increased frequency of movement to the street and stairwell at unsociable hours. This will result in direct interaction between users of the short term letting accommodation and long term residents of the neighbouring residential properties. There is also a communal garden associated with the property which creates further opportunities for disturbance. The proposed one bedroom short stay use would enable two related or unrelated 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 also 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 long standing residents. This would be significantly different from the ambient background noise that residents might reasonably expect. The location of the property being within an enclosed stairwell creates a situation where such a use would instead bring additional noise and disturbance immediately outside the other properties in the stair as well as in the residential street and the communal garden. This could also pose a risk to security for other residents.

Scottish Planning Policy encourages a mix of uses in town centres to support their vibrancy, vitality and viability throughout the day and into the evening. However, the promotion of mixed uses has to be balanced with the need to ensure residential amenity is protected. In this case, there is likely to be a negative impact on residential amenity.

Anti-social behaviour such as noise disturbance can be dealt with through relevant legislation, such as by Police Scotland or Environmental Health Acts.

The proposal will have a materially detrimental effect on the living conditions and amenity of nearby residents. Therefore, it does not comply with LDP Policy Hou 7.

Parking standards

There is no vehicle parking and no cycle parking associated with the property. This is acceptable in this location and there is no requirement for cycle parking for short term lets. Bicycles could be stored within the property if required.

The proposals comply with Policies Tra 2 and Tra 3.

Conclusion in relation to the Development Plan

The proposal does not comply with LDP Policy Hou 7 as the change of use of this property to a short-term visitor let would materially harm neighbouring amenity. There are no material considerations that outweigh this conclusion.

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

The following material planning considerations have been identified:

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal does not comply with all thirteen principles outlined within Paragraph 29 of the SPP as it would not protect the amenity of existing development. The proposal will therefore not contribute to sustainable development

Emerging policy context

The Draft National Planning Framework 4 has been consulted on but has not yet been adopted. As such, little weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

Five objections have been received.

A summary of the representations is provided below:

material considerations

- Negative impact on residential amenity (noise, disturbance, security). Addressed in b) above.
- Not in accordance with policy Hou 7. Addressed in b) above.
- Not in accordance with SPP policies on Socially Sustainable Places and Supporting Delivery of Accessible Housing. Addressed in c) above.
- Does not respect the special characteristics of the listed building and conservation area. The property to which the application refers is not listed and the impact on conservation area has been addressed in a) above.
- Shared stair tenement flats not suitable accommodation for tourists. Addressed in b) above.
- Contributes to congestion. Parking standards have been addressed in b) above.

non-material considerations

- Negative impact on core maintenance of communal areas. This is not a material planning consideration.
- STLs drive up city centre property prices. This is a commercial consideration not covered by planning policy.
- Proposals contradict with policies Des 1, Des 5 and Env 4. These are not relevant LDP policies in the consideration of this application.
- Not in accordance with SG Housing policy on More Homes. The application has to be assessed against the Strategic and Local Development Plans.
- Negative impact on general housing supply. This is not a material consideration under the current LDP. While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.
- Water ingress from the property. This is not a material planning consideration and is controlled by building standards.
- Unsightly key boxes at entrance. This is not a material planning consideration.

Conclusion in relation to identified material considerations

These have been addressed.

Overall conclusion

The proposal is acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will not harm the character or appearance of the conservation area.

However, the proposal will have a materially detrimental effect on the living conditions and amenity of nearby residents. It does not comply with LDP Policy Hou 7 or with the objectives of SPP, as it will not contribute towards sustainable development. There are no material considerations that outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reasons

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

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 21 July 2022

Drawing Numbers/Scheme

01-03

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Stephanie Fraser, Assistant Planning Officer
E-mail: stephanie.fraser@edinburgh.gov.uk

Appendix 1

Consultations

No consultations undertaken.

Comments for Planning Application 22/03018/FUL

Application Summary

Application Number: 22/03018/FUL

Address: 1F1 9 Sciennes House Place Edinburgh EH9 1NN

Proposal: Change residential one bedroom property into a self catering outlet (in retrospect).

Case Officer: Local1 Team

Customer Details

Name: Mrs Fiona Dodds

Address: 34 Lauder Road Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We own the flat below and we object to a self catering flat above. Too much disturbance and noise. We understand that the council is preventing such applications and we agree. We have already had water ingress from the flat above and self catering will only aggravate the problem.

Comments for Planning Application 22/03018/FUL

Application Summary

Application Number: 22/03018/FUL

Address: 1F1 9 Sciennes House Place Edinburgh EH9 1NN

Proposal: Change residential one bedroom property into a self catering outlet (in retrospect).

Case Officer: Local1 Team

Customer Details

Name: Lord Cockburn 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: The Cockburn has studied this application and would wish to lodge a formal objection to it.

It is our view that in this residential shared stair context the proposed change of use is not in accordance with Policy Housing 7 'Inappropriate Uses in Residential Areas' as it would have a materially detrimental effect on the living conditions of other residents of the main door accessed residential stair, and so should not be permitted.

In addition, the proposed change of use is not supportive of either 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".

Comments for Planning Application 22/03018/FUL

Application Summary

Application Number: 22/03018/FUL

Address: 1F1 9 Sciennes House Place Edinburgh EH9 1NN

Proposal: Change residential one bedroom property into a self catering outlet (in retrospect).

Case Officer: Local1 Team

Customer Details

Name: Mr IAN FORREST

Address: 31 Adelphi Place Edinburgh Edinburgh

Comment Details

Commenter Type: Other

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:WHILST NOT AGAINST AIR BnB PER SE, IN THIS INSTANCE, DUE TO THE NATURE OF THE COMMUNAL ENTRANCE (7 & 9) TO A SMALL COURTYARD TO THE REAR, I FEAR IT WOULD HAVE POTENTIAL FOR DISTURBING THE NEIGHBOURING RESIDENTS (ENTRYPHONE CALLS AT NO. 7, SHORT TERM VISITORS LEAVING THE SECURITY DOOR OPEN, ABUSE OF THE COMMUNAL COURTYARD GARDEN AND INCREASED SECURITY RISKS IN NO.7). THE 8 FLATS IN SECLUDED NO.9 AT THE REAR OF THE COURTYARD WHERE THIS WOULD BE SET WOULD BE SUBJECT TO UNKNOWNNN VISITORS ON A REGULAR BASIS THUS INCREASING SECURITY ISSUES.

Comments for Planning Application 22/03018/FUL

Application Summary

Application Number: 22/03018/FUL

Address: 1F1 9 Sciennes House Place Edinburgh EH9 1NN

Proposal: Change residential one bedroom property into a self catering outlet (in retrospect).

Case Officer: Local1 Team

Customer Details

Name: Mr Stuart Swanston

Address: 7/9 Sciennes House Place Edinburgh

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the proposed application for a change of use of 9 Sciennes House Place, EH9 1NN from residential to a self catering / holiday letting business because....

- 1) There should be a presumption against such holiday flats operating on common stair;
- 2) The main door to the close and stairs of 7 & 9 Sciennes House Place serves 19 flats and given the weekly or bi weekly changing identities of holiday guests staying in one self catering flat over a year it would be very difficult for the full time residents to tell who had and who had not any business to be in the close or on the stairs by way of looking out for the security of our own and neighbouring flats.
- 3) When the flat at 7/4 Sciennes House Place was being used as an AirBnB its guests would sometimes ring my bell (and presumably those of other neighbours) seeking access to the stair because they had forgotten which flat they were staying in.
- 4) The holiday tenants at that same flat had BBQs and drinks parties in our wee back green (which is overlooked by over fifty flats) until the early hours of the morning and until daylight in one case.
- 5) At one time there were three AirBnB key boxes fixed to the stonework of the western reveal of the architrave of the door to the common close and stairs of 7 & 9 Sciennes House Place. The building is listed and no listed building consent had been sought or granted for those unsightly black metal AirBnB key boxes.
- 6) The railings of the Jewish Burial Ground opposite were also desecrated by a big black padlock

type of AirBnB keybox being fitted to them.

7) Tenement flats are not suitable accommodation for tourists unless they are custom built with on site reception, concierge and maintenance services because tourists do not understand the common courtesies which make tenement living bearable for each other. I know this because I worked as a concierge for fifteen years in a custom conversion of offices into thirty self catering flats at 2 York Buildings on Queen Street, Edinburgh and I am not against the concept of holiday flats as such. They just should not be on stairs with full time residents. I enjoyed working as a concierge at that block of holiday flats but I did not enjoy being treated like an unpaid concierge by the guests of a holiday flat on my own stair.

8) AirBnB -type holiday flats in tenements reduce the accommodation in the city centre for full time residents whether owner occupiers or full time tenants.

9) The higher margins enjoyed by owners of self catering flats over the owners of buy to let flats drives up city centre property prices for flats in tenement buildings, reduces the supply of flats for owner occupiers and full time tenants and drives up rents for full time residents.

10) Edinburgh works and is attractive to tourists because so many of the people who work in the city centre are able to live within walking, cycling and short bus rides from their places of work. Reducing the supply of flats for full time residents to favour more self catering flats is damaging to the civic life of the city.

The proposed change of use should be refused.

Comments for Planning Application 22/03018/FUL

Application Summary

Application Number: 22/03018/FUL

Address: 1F1 9 Sciennes House Place Edinburgh EH9 1NN

Proposal: Change residential one bedroom property into a self catering outlet (in retrospect).

Case Officer: Local1 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 within the Grange Conservation Area, 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.
- 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 Conservation Area, 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 (Sense of place), DES5 (amenity of neighbours/refuse and recycling facilities), ENV 4 (Risk of unnecessary damage to historic structures), and HOU7 (Materially detrimental effect on the living conditions of nearby residents). We therefore object to the application.