

Accompanying notes to support the planning application for the change of use from residential to short-stay for property:

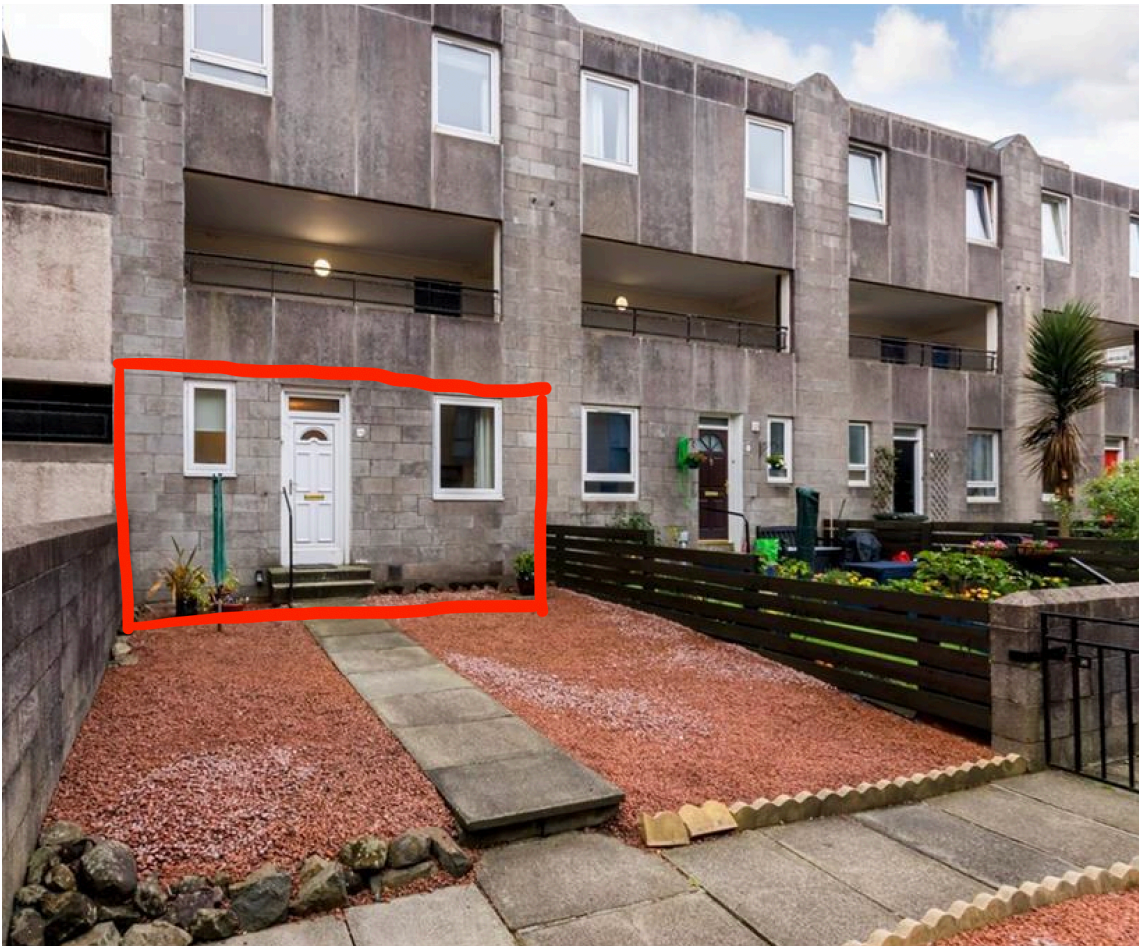
## 178 Pleasance, Edinburgh, EH8 9RT

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### 1. Property Location

The property is located in the Pleasance area of Edinburgh. The property is **not** within a conservation area and is **not** a listed building. The property is a main-door ground floor flat and is accessed via a private front door. There is a private front garden which leads to the front door and the garden gate borders a public thoroughfare. There is no communal access or stairwell to the property.





# LAND REGISTER OF SCOTLAND



178, PLEASANCE, EDINBURGH, EH8 9RT

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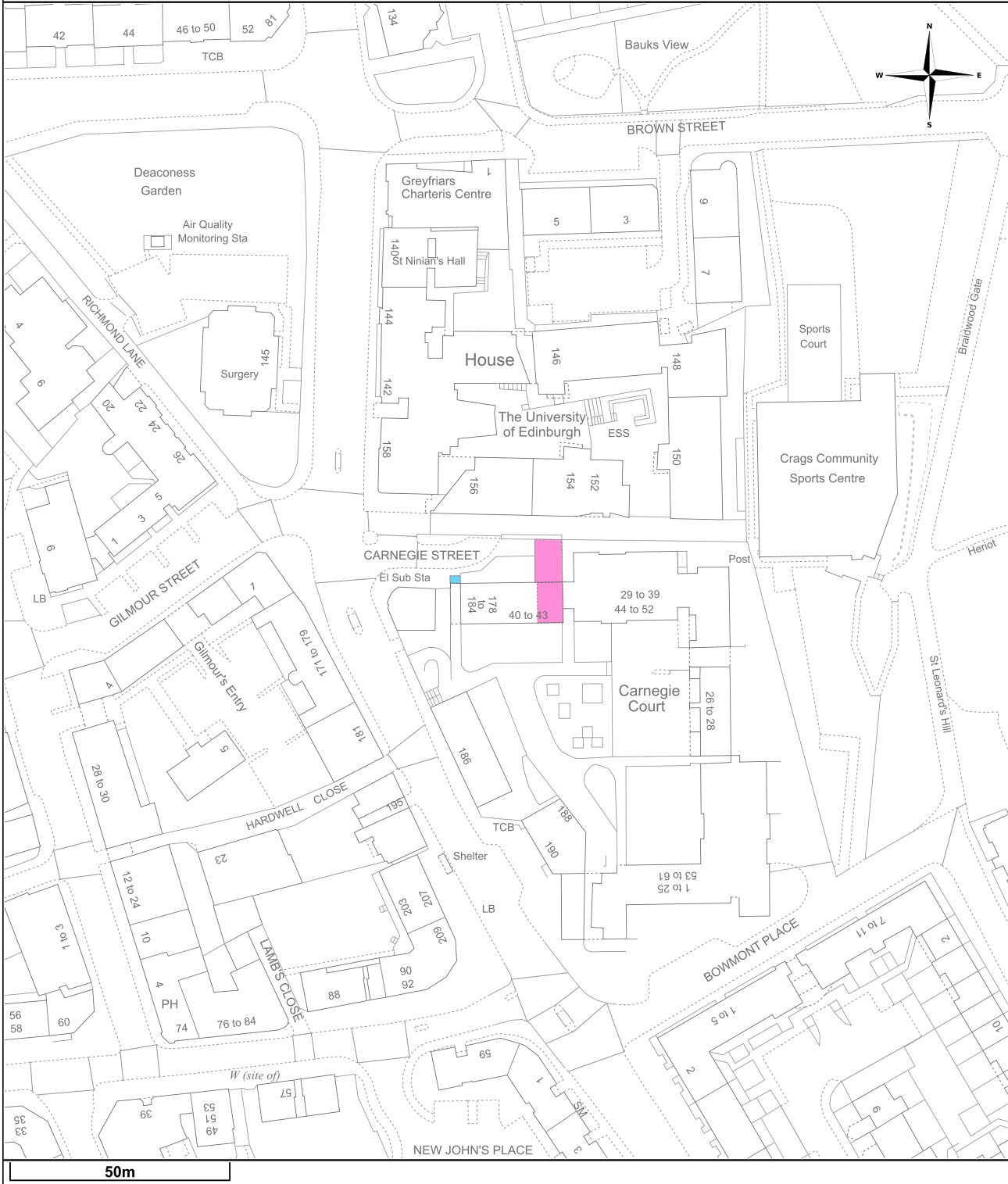
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09/10/2019

REQUEST NUMBER 5924233MID

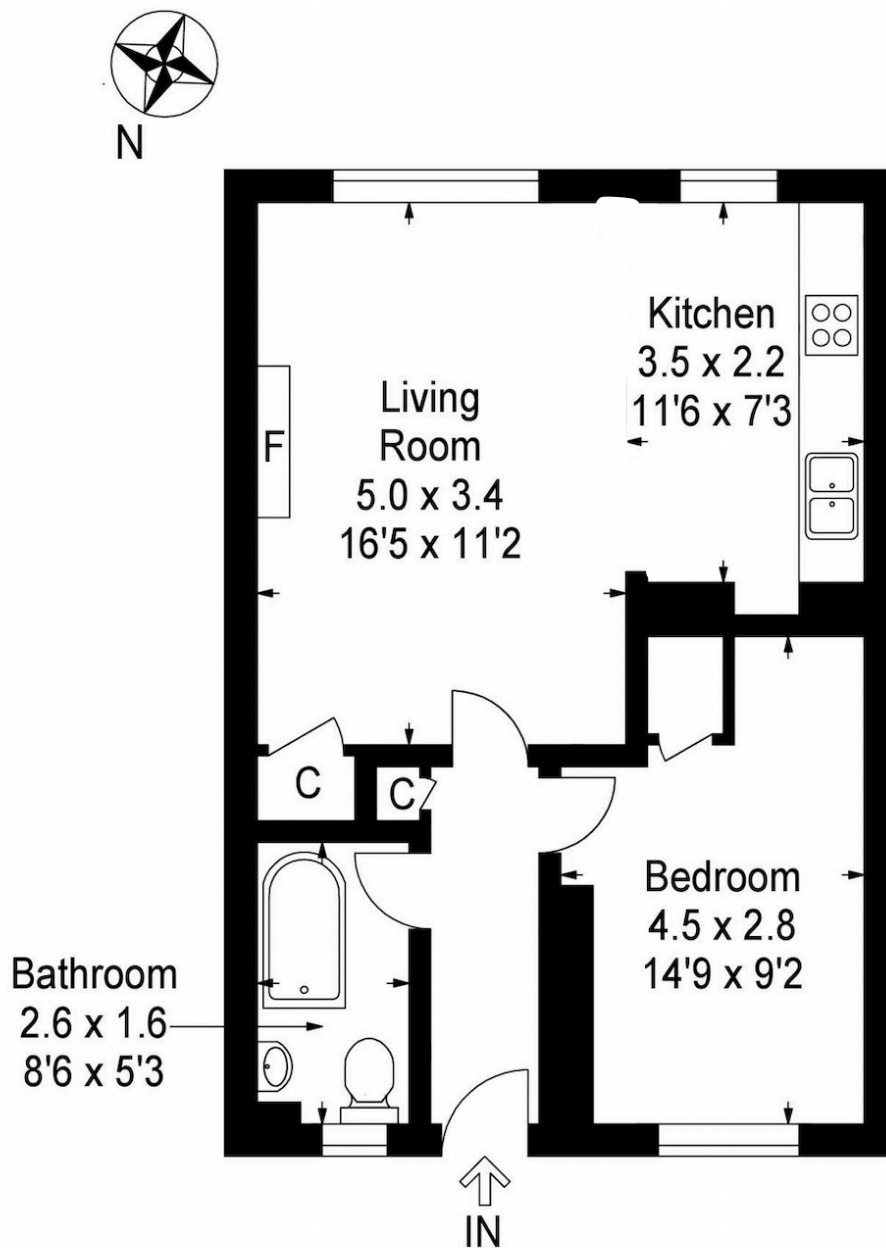
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## 2. Property Layout

The property consists of an open plan living, dining and kitchen area, one bedroom and one bathroom:



A building warrant (ref: 22/01595/WARR) was approved in May 2022 to knock down a wall between the living room and kitchen. A completion certificate for this work was issued on 25 October 2022. Please note that the layout above reflects the changes made as part of building warrant submission.

### 3. Material factors to consider to support application permission

In reference to planning guidance for hosts and operators issued by the Scottish Government the applicants wish for the following to be considered in support of their application:

- I. Guest arrivals and departures
  - A. Guests to the property have no access to communal areas (for example stairways or gardens).
  - B. Maintenance and cleaning services used to support the provision of guest accommodation have no access to communal areas (for example stairways or gardens).
- II. Impacts to other residents in flatted buildings
  - A. The property is accessed via a private front door. There are no communal entrances to the flat.
- III. Impact on public services and residents amenity
  - A. The public thoroughway street leading to the property has metered parking only with a maximum stay of up to 4 hours. As guests are not eligible for resident parking no loss of parking for neighbours will result where the application is approved. It may be noted that the majority of guests to this area arrive by public transport (e.g. Waverley train station is only a 15 minute walk away from the property). In the event that a guest does arrive by car there is plentiful parking provision at St Leonard's Car Park which is a 5 minute walk away from the property and at the NCP car park on Holyrood Road which is a 10 minute walk away from the property.
- IV. Number of people staying and cumulative impact on character and neighbourhood amenity
  - A. The property provides comfortable accommodation for 2 people being a one-bedroom dwelling. Large numbers of guests (5+) are unsuitable for this property type and are not allowed by the owners. The restrictions on guest numbers keeps impacts of parking, waste and other inconveniences to a minimum.
  - B. The businesses immediately surrounding the property consist largely of restaurants (Thai 2 go- 220 Pleasance); bars (the Southsider Pub- 3 W Richmond St), cafes (The Richmond Cafe- 52 W Richmond S) and entertainment venues (Pleasance Theatre Trust, 60 Pleasance) which would all benefit from the activities of guests and positively support the local community.

Ms Brown  
178 Pleasance  
Edinburgh  
EH8 9RT

**Decision date: 15 March 2023**

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

Change of use from residential to short-term holiday accommodation.  
At 178 Pleasance Edinburgh EH8 9RT

**Application No: 22/05431/FULSTL**

**DECISION NOTICE**

With reference to your application for Planning Permission STL registered on 27 October 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 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:

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 James Armstrong directly at [james.armstrong@edinburgh.gov.uk](mailto:james.armstrong@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](http://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](mailto: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- Applicant's Response

1. There is a 24 hour Amazon locker opposite the flat which is open to the public. The 24 hour bin store for Deaconess House also sits opposite the flat. Deaconess House which sits directly in front of the property hosts over 300 University of Edinburgh students. Therefore there is a considerable degree of activity 24 hours a day in the immediate vicinity. Therefore there is not a *'low to moderate degree of activity in the immediate vicinity of the property at any time'* as the Council states.
2. The property has one bedroom and is not *'two bedroom SLT [short term let]'* as stated in the report of handling.
3. Given the substantial student population in the local vicinity, movement and travel during holidays, term time and irregular patterns of movement throughout the year are already common to residents. As students often take weekend trips or travel home for periods of time, suitcase and travel noise is already common to residents. Therefore the owner would dispute the Council's comments that approval of one STL 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 Council's comments that one short term let 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'* is unfounded as students are a large transient population.
4. The Council has not engaged the applicant on any discussions in respect of when guests would arrive and depart at the property. Therefore comments which state that *'there is no guarantee that guests would not come and go frequently throughout the day and night'* are unjust. The applicant is happy to have a dialogue with the Council and agree what appropriate arrival and departing times are. The same applies to when the property would be serviced/ cleaned.
5. The determination deadline for this case was due in December 2022. Had the Council met this deadline NPF 4 policy 30 (e) part (ii) would not have been a material factor as it only came in to force in 2023. Therefore this application should be reviewed in line with the rules at the time of application up to the determination date. Applicants should not be penalised for Council failings.
6. No extension of the December 2022 deadline was communicated or agreed with the applicant.
7. The Council informed the applicant that she had the right to appeal for non-determination to the Secretary of State. The Council did inform the applicant that she had the right to ask for a review by the Local Review Body if the application has not been determined within the 2 month time period for a decision, which would have been 26 December 2022. If this was communicated, the applicant would have taken this to the LRB for consideration and NPF 4 policy 30 (e) part (ii) would not have been a material factor as it only came into force in 2023.
8. The applicant would like to see evidence from the Council about how they can prove that there would be loss of 'residential accommodation' where the SLT application is approved. As this is one of the main reasons for refusal, evidence to substantiate this assumption is sought.



# Report of Handling

**Application for Planning Permission STL  
178 Pleasance, Edinburgh, EH8 9RT**

**Proposal: Change of use from residential to short-term holiday accommodation.**

**Item – Local Delegated Decision  
Application Number – 22/05431/FULSTL  
Ward – B15 - Southside/Newington**

## **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 visitor 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 one bedroom, ground floor flat located off a cul de sac to the Eastern side of Pleasance. The property has its own main door access.

The section of Pleasance where the application site is located is of predominantly residential character. The surrounding area is more mixed, with the adjoining section of Pleasance containing a medical centre and a hot food takeaway. Bus links are relatively accessible from the site.

### **Description Of The Proposal**

The application is for a change of use from Residential to Short Term Let (STL) (sui-generis). No internal or external physical changes are proposed.

### **Supporting Information**

- Planning Statement
- Planning Statement regarding NPF4

### **Relevant Site History**

No relevant site history.

### **Other Relevant Site History**

No other relevant site history was identified.

### **Consultation Engagement**

No consultations.

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 15 March 2023

**Date of Advertisement:** Not Applicable

**Date of Site Notice:** Not Applicable

**Number of Contributors:** 7

## **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 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.
- 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' 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 (b) and (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 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.

In connection to short term lets it states, "The Council will not normally grant planning permission in respect of flatted properties where the potential adverse impact on residential amenity is greatest".

*Amenity*

The application property has its own main door access and is located within a predominantly residential area. There is a low to moderate degree of activity in the immediate vicinity of the property at any time.

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 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. However, this would be of lesser impact as it is likely that servicing would be conducted during the daytime.

This 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 property this 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.

The applicant has provided a planning statement outlining the location of the property as popular with tourists, and as being of benefit to local shops, restaurants tourist attractions and the wider local economy. The applicant also notes that should the application be refused they would choose to keep the property as a second home rather than letting it on a long term basis, meaning that there would be no loss of residential accommodation arising from the application.

However, the choice of the applicant to retain the property as a second home is not material as to whether the proposed development is acceptable, the use of which as an STL would result in the loss of residential accommodation, which given the recognised need and demand for housing in Edinburgh it 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 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 is one vehicle parking space and no cycle parking. This is acceptable as there are no parking requirements for STLs.

The proposal complies 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. Public representations have raised a potential impact on a person with a protected characteristic. The impact on the person with a protected characteristic is as a result of the nature of the STL use impacting on amenity. This has been considered as under section (a) of this assessment.

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.

### **Conclusion in relation to other material considerations**

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

#### Public representations

A summary of the representations is provided below:

7 objections

0 in support  
0 neutral

#### *material considerations in objection*

- Inappropriate use in this location. Addressed in section A.
- Impact on residential amenity. Addressed in section A.
- Loss of residential accommodation. Addressed in section A.
- Impact on the local community. The change of use of one property to an STL will not have a significant impact on the local community.
- Impact on waste and recycling. The properties contain suitable refuse and recycling facilities for their proposed use.
- Impact on a person with a protected characteristic. Addressed in section B.

#### *non-material considerations*

- Impact on a Conservation Area.
- Amenity impacts from building works to the property.
- Illegal waste disposal as part of building works to the property.
- Drainage access.
- Relationship between the applicant and neighbours.
- Allegations of the applicant parking illegally and behaving in an anti-social way.
- The applicant's motives.

#### **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 visitor 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**

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 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: 27 October 2022**

### **Drawing Numbers/Scheme**

01A, 02

Scheme 1

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: James Armstrong, Assistant Planning Officer  
E-mail: [james.armstrong@edinburgh.gov.uk](mailto:james.armstrong@edinburgh.gov.uk)

Appendix 1

## **Consultations**

No consultations undertaken.