

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.

Appendix 2

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="REDACTED"/>	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="REDACTED"/>		

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.

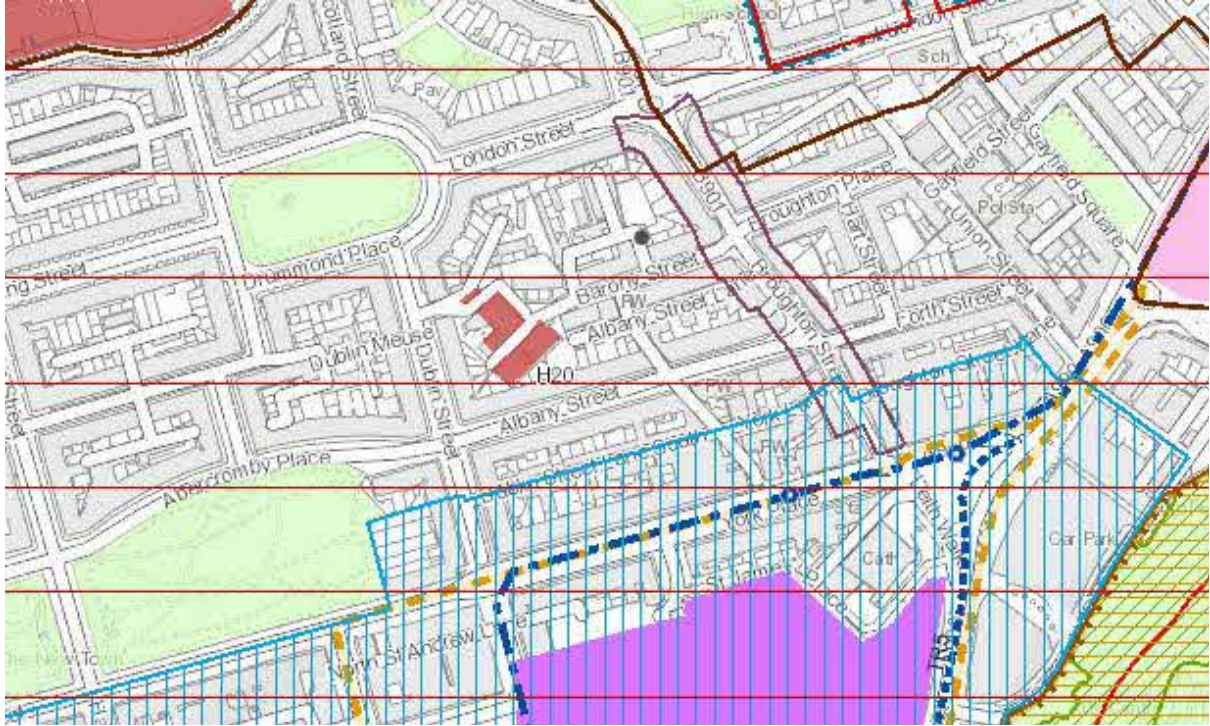
In accordance with the Planning Act, the Appeal should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

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.

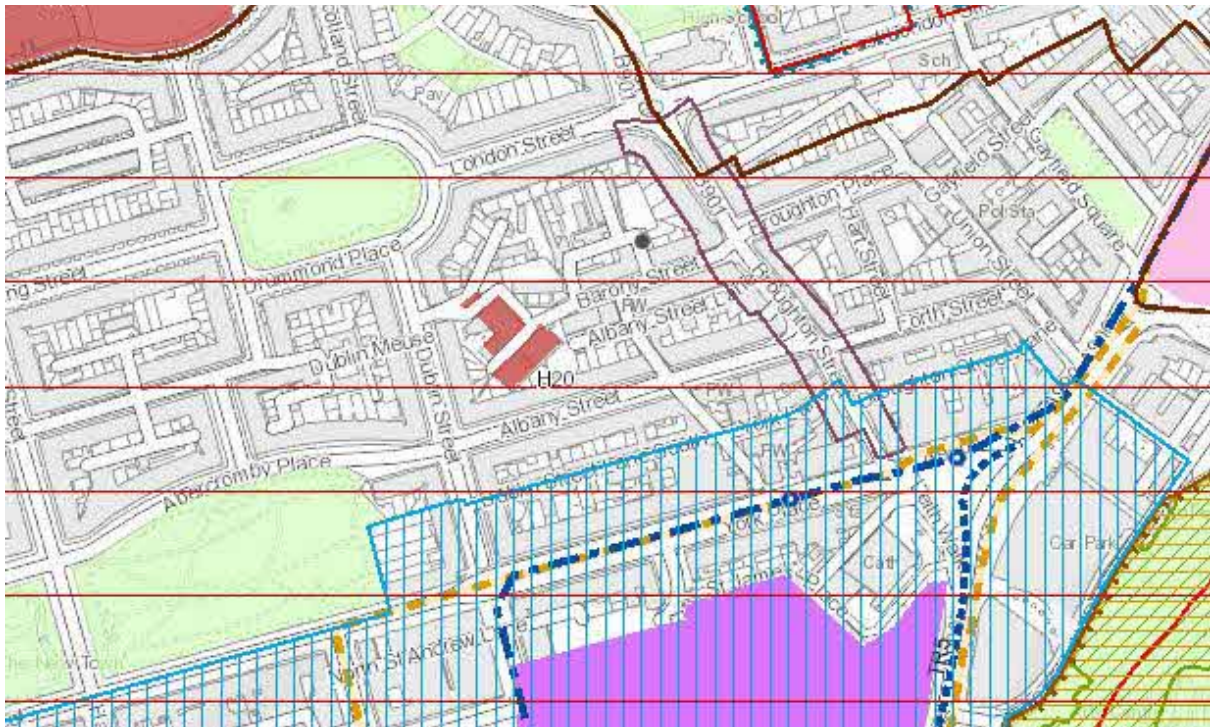


Figure 1 – Extract of LDP Proposals Map

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): *

20/06/2018

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

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both. *	
Other Title:		Building Name:	
First Name: *	Robin	Building Number:	19
Last Name: *	Keane	Address 1 (Street): *	Adelphi
Company/Organisation	Adelphi 19 Limited	Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	AB11 5BL
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:	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

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

Yes No Don't Know

Is the site within an area of known risk of flooding? *

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.

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

Dear Sir/Madam

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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



LAND REGISTER
OF SCOTLAND

Officer's ID / Date

3821
1/10/2006

TITLE NUMBER

MID94943



ORDNANCE SURVEY
NATIONAL GRID REFERENCE

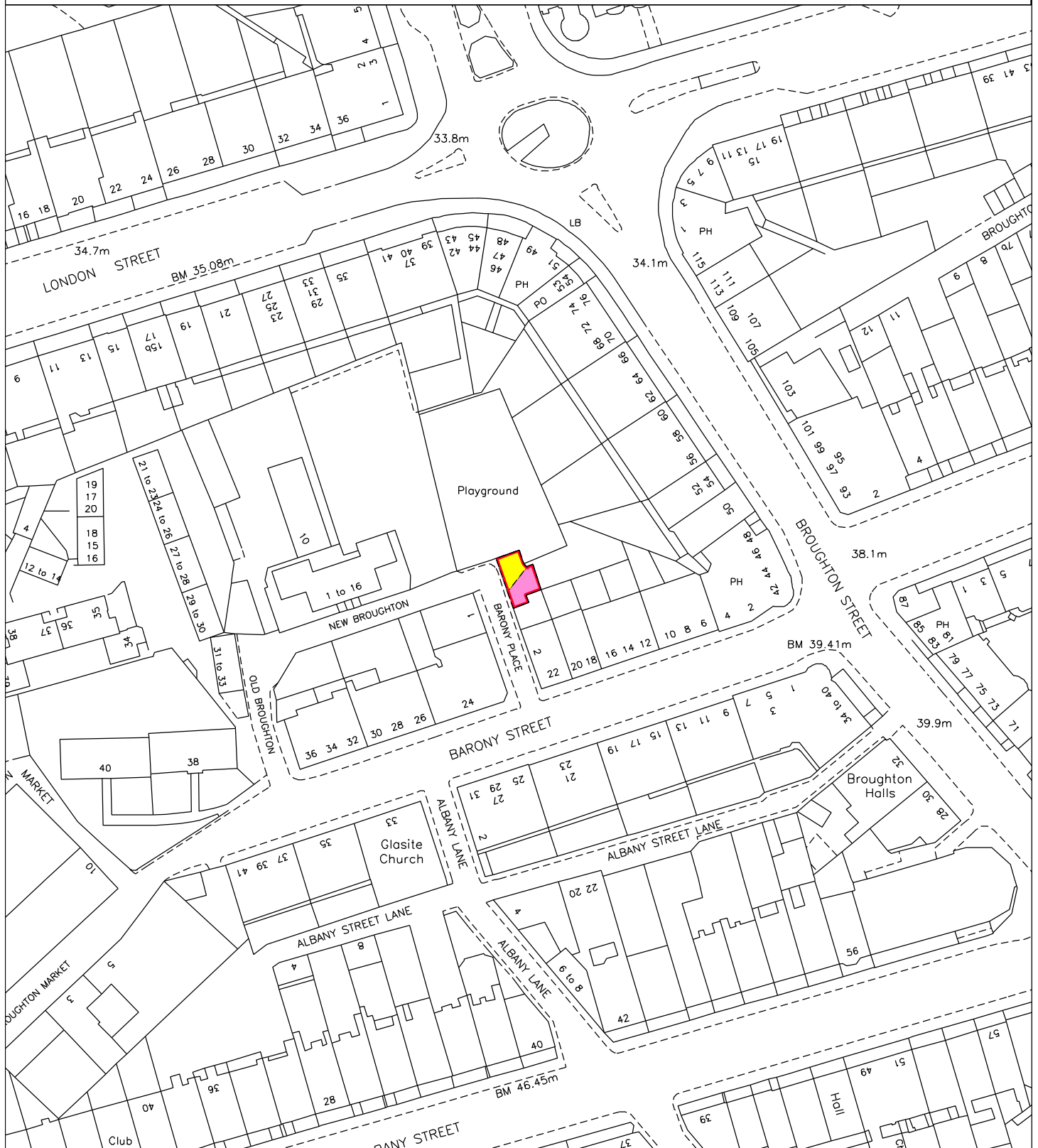
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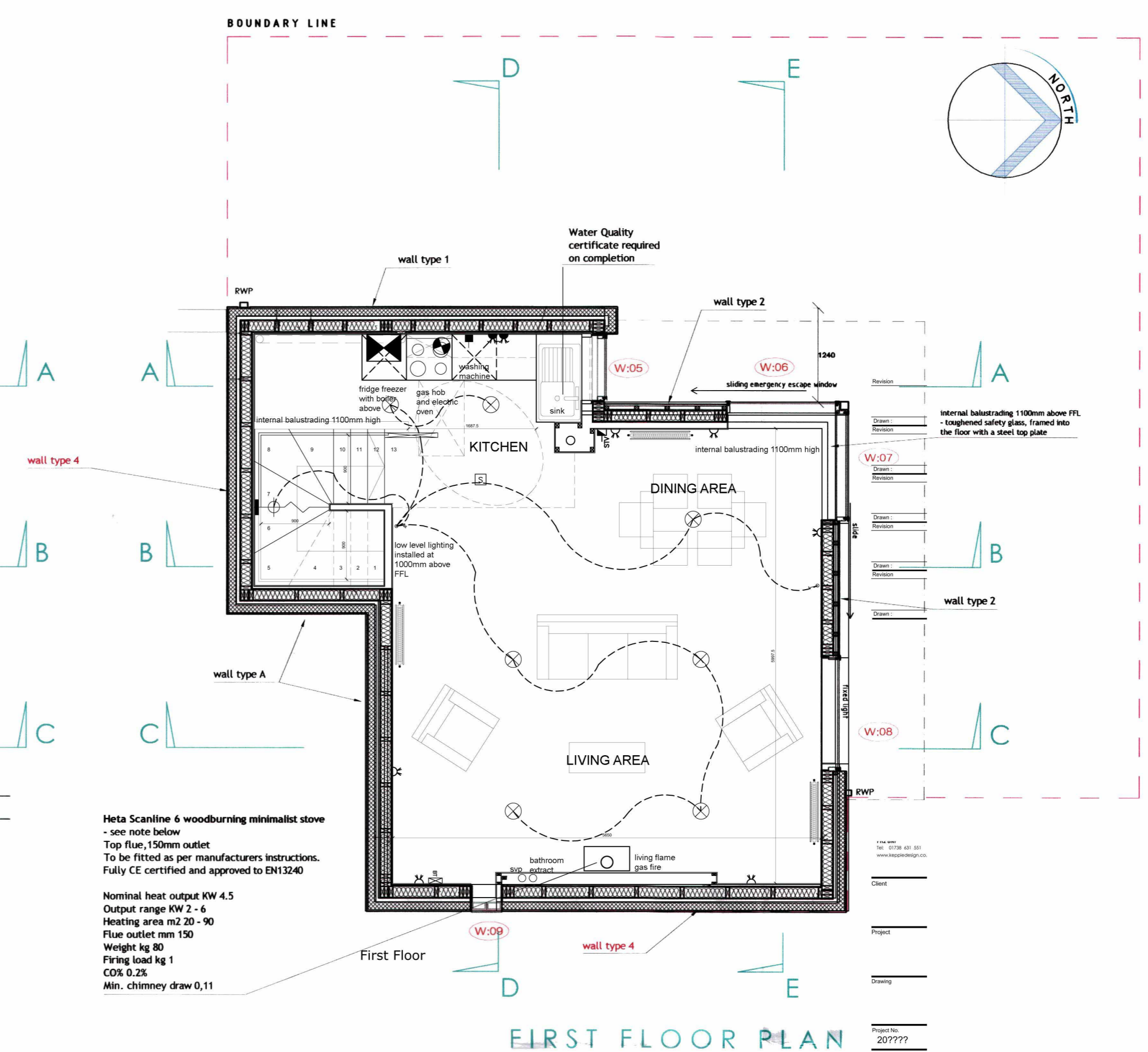
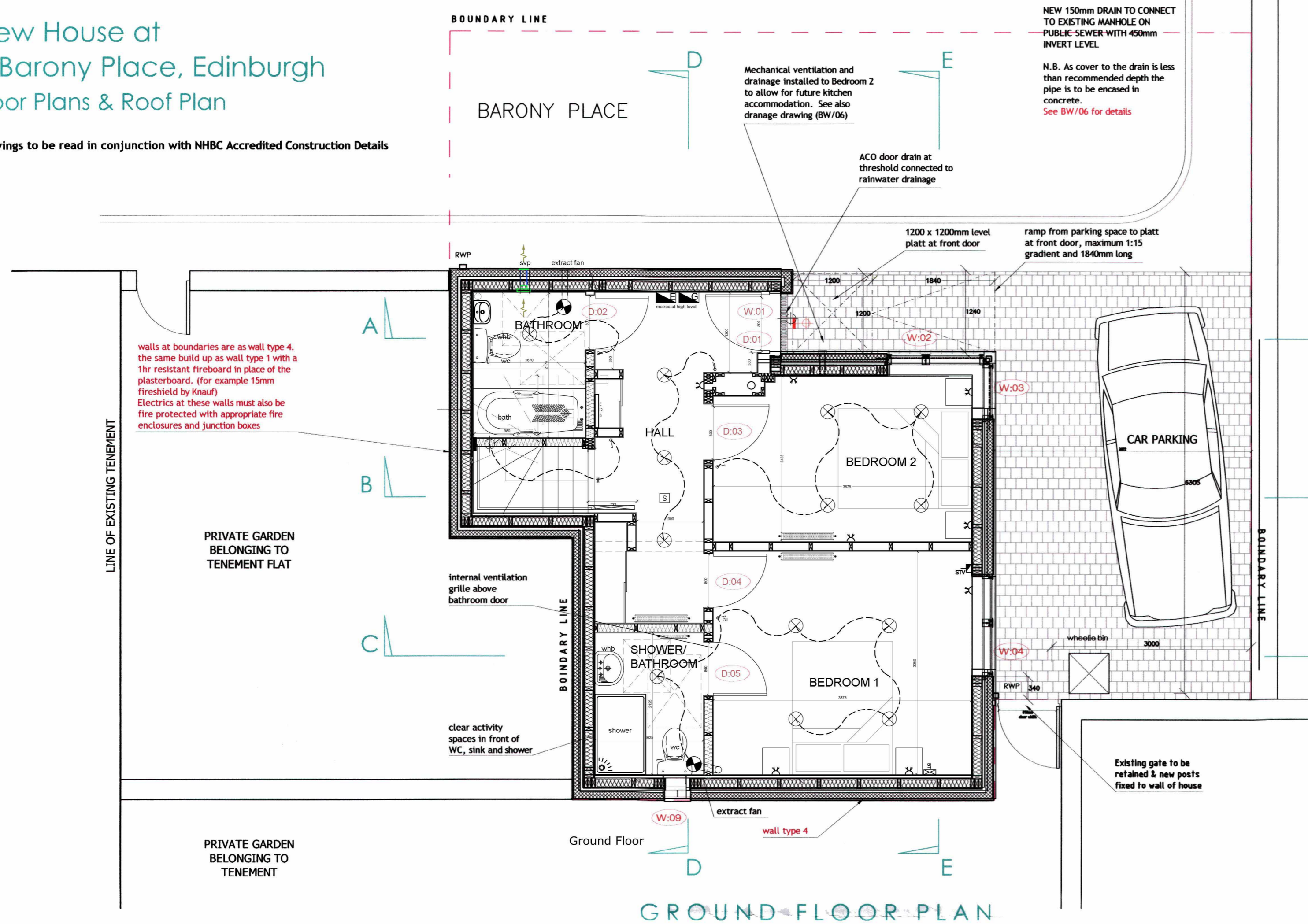
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New House at 4 Barony Place, Edinburgh Floor Plans & Roof Plan

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 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 BS 303: 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.
Flue 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:
a) location of the hearth, fireplace or beginning of the flue;
b) a chimney designation string in accordance with BS EN 1443: 2003 where appropriate;
c) the category of the flue, and generic types of appliance that can be safely accommodated;
d) the type and size of the flue ;
e) 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:

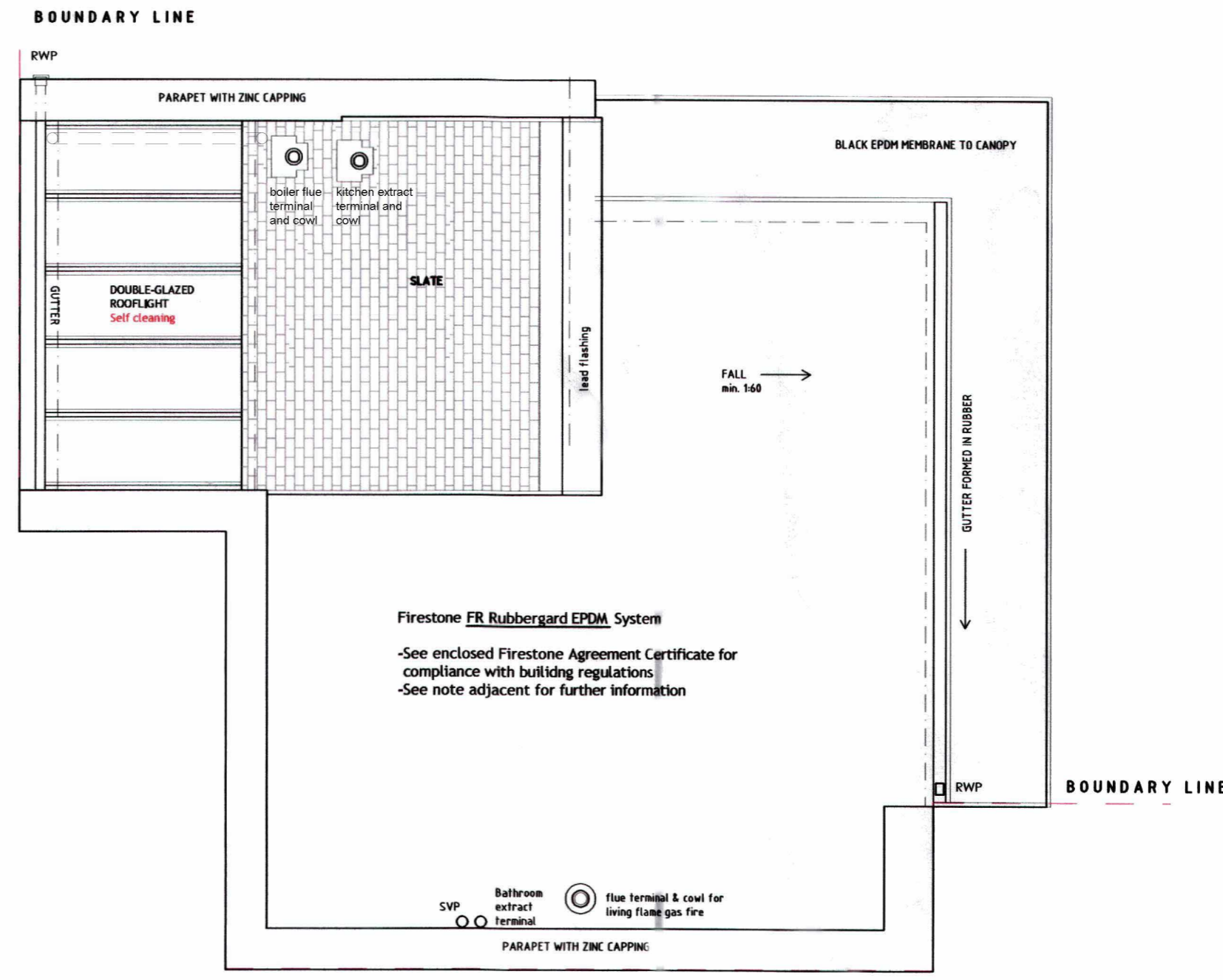
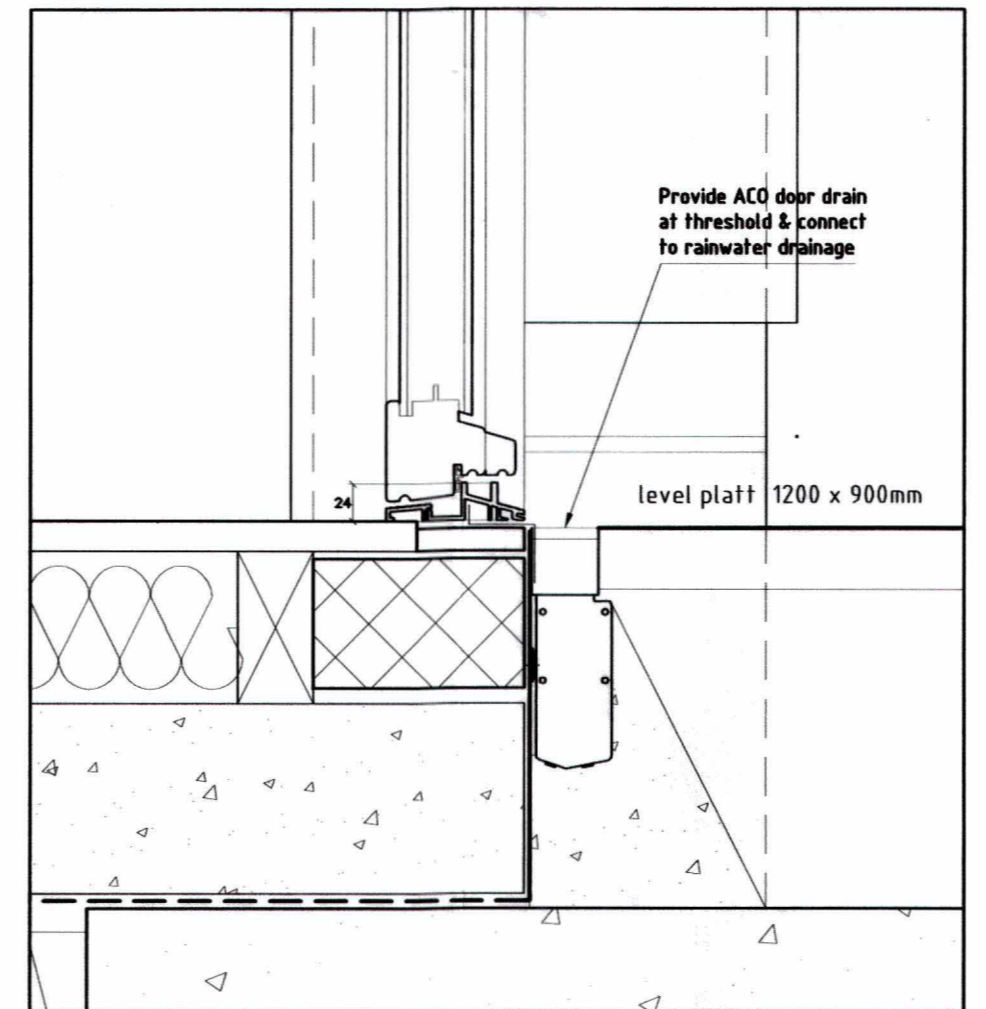
The system will resist the effects of any wind suction likely to occur in practice

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



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	