

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 100646589-002

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	HolderPlanning Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Lesley	Building Name:	
Last Name: *	McGrath	Building Number:	139
Telephone Number: *		Address 1 (Street): *	Comiston Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	United Kingdom
		Postcode: *	EH10 5QN
Email Address: *			

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="F1"/>
First Name: *	<input type="text" value="Patrycja"/>	Building Number:	<input type="text" value="2"/>
Last Name: *	<input type="text" value="Kleczek"/>	Address 1 (Street): *	<input type="text" value="Wintermill Square"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH6 5QP"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:	<input type="text" value="City of Edinburgh Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="FLAT 1"/>
Address 2:	<input type="text" value="2 WINTERMILL SQUARE"/>
Address 3:	<input type="text" value="BONNINGTON"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH6 5QP"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="676007"/>	Easting	<input type="text" value="326018"/>
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Description of Proposal

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

Change of use of existing flat to short-term letting (in retrospect)

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please refer to the Supporting Statement submitted in respect a request to the Local Review Body, October 2023

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)

Supporting Statement submitted in respect of a request to the Local Review Body, 2023 Application Form Location and Floor Plan Application supporting statement Decision Notice Report of Handling Evidence of operation (submitted separately)

Application Details

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

23/02672/FULSTL

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

20/06/2023

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

26/07/2023

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

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

Please select a further procedure *

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

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

A site visit would enable the LRB to establish that the property will not impact on neighbouring amenity, is of a scale which would not enable large amounts of people to occupy the property; and is located in an area of mixed use where short term let visitor accommodation is appropriate. Please refer to the Supporting Statement for further information. The Applicant is happy to address any further procedures considered necessary by the LRB.

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mrs Lesley McGrath

Declaration Date: 25/10/2023

SUPPORTING STATEMENT IN RESPECT
OF A REQUEST FOR REVIEW TO THE CITY
OF EDINBURGH COUNCIL LOCAL REVIEW
BODY

Development: Change of use of existing flat to short-term letting (in retrospect)

Location: 1 /2 Wintermill Square, Edinburgh (ref: 23/02672/FULSTL)

October 2023

HolderPlanning

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1.0 REVIEW DOCUMENTS

- 1.1 On behalf of Mrs Patrycja Kleczeck, the Documents submitted with the request for review of the planning authority's decision to refuse her application for Planning Permission for a 'Change of use of existing flat to short-term letting (in retrospect' at 1 /2 Wintermill Square, Edinburgh (ref: 23/02672/FULSTL) are as follows:

Document Number	Description
PK1	Planning Application Form
PK2	Location Plan and Floor Plan
PK3	Supporting Statement
PK4	Decision Notice
PK5	Report of Handling
PK6	Evidence of operation (account statements)

2.0 INTRODUCTION

INTRODUCTION

- 2.1 This Statement forms supports Mrs Patrycja Kleczeck's request Edinburgh Council's Local Review Body in respect of her application for planning permission for a change of use of premises at Number 1 /2 Wintermill Square for Short Term Let (STL) accommodation (application ref: 23/02672/FULSTL).
- 2.2 The application form (document ref: PK1) was submitted with a location and floor plan (document ref: PK2) and supporting statement (document: PK3) and validated on 20 June 2023. The Application was refused by delegated decision on 26 July 2023. The decision notice (document: PK4) provides no reasons for contrary to the provisions of Section 37(2A) of the 1997 Act.
- 2.3 The Applicant owns the property, which has been used for STL since October 2021. The property was purchased from the developer in the summer of 2021 and has not at any time been used as a primary place of residence. No complaints neighbours, the Council's Environmental Services or emergency services regarding the use of the premises for STL have been received since operations commenced. Environmental Services were not consulted nor objected to the prc development.
- 2.4 As the STL operation commenced prior to 5 September 2022, the date when The City of Edinburgh Council designated the whole of the council area as a Short-term Let Control Area for the purposes of Section 26B of the Town and Country Planning (Scotland) Act 1997, a Certificate of Lawfulness (for existing use) is the appropriate mechanism for establishing STL use at the property and an application f Certificate of Lawfulness has been submitted and awaits registration and determination. However to avoid any uncertainty regarding the possibility of future enforcement action the Applicant has elected to request a review of the Council's decision to refuse planning permission.
- 2.5 This Statement sets out description of the site and the change of use, considers the proposal within the relevant planning context including the Council's comments as outlined in the Report of Handling and representations made in respect of the application before drawing together conclusions on the proposal.
- 2.6 As we demonstrate in this Statement, the development accords Development Plan and relevant material considerations.

3.0 SITE AND DEVELOPMENT DESCRIPTION

SITE DESCRIPTION

- 3.1 The property is located on the ground floor of a five storey residential block within Wintermill Square, Edinburgh. It comprises of two bedrooms and with a living/dining/kitchen area. No other properties are located at ground floor level with access to upper floors via a lift or stair which is accessed via a further internal door at ground floor level. The property's location and site layout is shown on the location and floor plan (document ref: PK2). The property's two bedrooms and living / dining / kitchen are small as shown on the photographs below:





- 3.2 Wintermill Square comprises 49 properties over five blocks ranging from three to five storeys. Access for all modes of transport is from Bonnington Road to the west, with pedestrian/cycle access also available from the Water of Leith walkway to the east.
- 3.3 Open space is located to the north and east of the property and undesignated car parking is located to the immediate west of the property.
- 3.4 To the north of the Wintermill Square lies the Water of Leith beyond which lies the Water of Leith walkway which bounds the east of the site. To south lies commercial and business premises, which also include a backpackers' hostel. To the west lies Bonnington Road.
- 3.5 The Bonnington area is an area of mixed uses comprising a mix of commercial business and residential uses. The site's proximity to commercial and business uses can be seen in the picture below.



- 3.6 More detailed consideration of the surrounding area is provided with assessment of planning considerations in this Statement.
- 3.7 Access and Transport - There is excellent access to the public transport network, with bus services provided on Bonnington Road to the west of the property.

DEVELOPMENT

- 3.8 As outlined above the Applicant, Mrs Kleczeck, owns and manages the premises for Short Term Let use and has been doing so since October 2021 (PK6). Mrs Kleczeck seeks planning permission for a change of use from residential use to short term let use in retrospect.
- 3.9 Mrs Kleczeck advertises the property on two well-known reputable websites – booking.com and Vrbo.com and the property can be viewed via the following links:
www.booking.com
www.vrbo.com
- 3.10 As evidenced by the extract from the property's listing on Vrbo, no events, smoking, no pets and no letting to persons under 21 are permitted at the property.

House Rules

Check in after 4:00 PM
Check out before 10:00 AM

Minimum age to rent: 21



Children

Children allowed: ages 0–17



Events

No events allowed



Pets

No pets allowed



Smoking

Smoking is not permitted

- 3.11 No complaints from neighbours, the Council's Environmental Services or emergency services regarding the use of the premises for STL have been received since operations commenced.

4.0 PLANNING ASSESSMENT

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

4.2 The correct approach to be taken in the determination of this application is set out in the well-known speech of Lord Clyde in the case of City of Edinburgh Council v Secretary of State for Scotland & Others 1997 S.C.L.R. 1112. Lord Clyde indicated that it was:

"necessary for the decision-maker to consider the Development Plan, identify any provisions in it which are relevant to the question before him and make a proper interpretation of them. His decision will be open to challenge if he fails to have regard to a policy in the Development Plan which is relevant to the application or fails properly to interpret it. He will have to consider whether the development proposed in the application before him does or does not accord with the Development Plan. There may be some points in the plan, which support the proposal but there may be some considerations pointing in the opposite direction. He will require to assess all of these and then decide whether, in light of the whole plan, the proposal does or does not accord with it. He will also have to identify all other material considerations which are relevant to the application and to which he should have regard. He will then have to note which of them support the application and which do not, and he will have to assess the weight to be given to all of these considerations. He will have to decide whether there are considerations of such weight as to indicate that the Development Plan should not be accorded the priority which the Statute has given to it. And, having weighed these considerations and determining these matters, he will require to form his opinion on the disposal of the application".

4.3 The following section of this statement includes an assessment of the development plan (National Planning Framework 4 and the Edinburgh Local Development Plan, 2016) and relevant material considerations (City of Edinburgh Council's statutory Guidance for Business 2023).

THE DEVELOPMENT PLAN

Edinburgh Local Development Plan

4.4 The relevant Policy within the LDP comprise Policy Hou 7 Residential Areas.

- 4.5 Policy Hou 7 – Inappropriate Uses in Residential Areas – requires that “developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted.”
- 4.6 The Council’s publication and non-statutory planning guidance, ‘Guidance for Businesses,’ April 2023 sets out the criteria against which the Council will determine applications for planning permission for Short Term Let Accommodation
- 4.7 The guidance states, “Applications for a change of use to short accommodation will be assessed and determined against the development plan, both with respect to LDP policy Hou 7 and National Planning Framework 4 (NPF 4) policy 30(e), and material considerations. The table below principally provides guidance in respect of LDP Policy Hou 7. It may also provide some assistance in considering NPF 4 Policy 30 (e) (i). This table is not relevant to the consideration of NPF 4 Policy 30 (e) (ii).”
- 4.8 We assess the application for planning permission for a change of use of existing flat to short-term letting (in retrospect) at 1 /2 Wintermill Square, against the Guidance’s criteria below. We have outlined topic headings and text in bold and italics.

The character of the new use and of the wider area:

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

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

- 4.9 **Our Response:** The property is located in Wintermill Square which contains residential development within the Bonnington area of Edinburgh. The area has a mixed character, comprising residential, commercial and business uses which is illustrated below:
- 4.10 Immediately to the south of the Wintermill Square on Bonnington Road (60 to 66) lies a complex of workshops, offices and a backpackers hostel. This complex forms the southern boundary to Wintermill Square. Immediately to the south of this complex

lies further commercial and industrial premises (Changeworks at 36 and Elizafield) located behind a house and tenement block.

- 4.11 To the north of Wintermill Square lies the Water of Leith. The Water of Leith walkway crosses the water course and forms the eastern boundary to Wintermill Square and which can be accessed from the development. Commercial, industrial and residential premises are located further the east of the walk way.
- 4.12 To the west of Wintermill Square and Bonnington Road lies residential development and which lies adjacent to the Stewartfield industrial estate.
- 4.13 As our review of surrounding uses demonstrates the proposed development lies in an area of mixed uses. This is contrary to the statement made by the Planning Officer in his Report of Handling (document ref: PK5) which states that it is located in a 'predominantly residential area of Bonnington.' Our assessment is based on review of actual surrounding uses which the Planning Officer has not provided.

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

- 4.14 **Our Response:** We are not aware of any other STL operations within Wintermill Square.
- 4.15 As we have outlined above, the property is located in an area which is home to a range of uses. This includes a backpacker’s hostel, located to the immediate north of a residential dwelling on Bonnington Road. Planning permission for a change of use from an office to a backpackers’ hostel (class 7) was granted on 4 July 2019 (ref: 19/00222/FUL).
- 4.16 The report of handling considered that the use of premises as a backpackers’ hostel was compatible with its residential neighbours and we consider that this approach applies equally to the use of 1 /2 Wintermill Square for short term let accommodation.
- 4.17 The report of handling for the backpackers’ hostel (ref: 19/00222/FUL) considered LDP Policy Hou 7 stating that,

“The site forms part of the white Urban Area as shown in the LDP. It is the edge of a large area that was previously zoned for industrial purposes but which is undergoing a change towards generally more residential uses. In the interim the

wider area is now best described as "mixed uses" rather than industrial. These uses do include residential elements to the south and on the opposite side of Newhaven Road to the west.

Newhaven Road itself is a busy and noisy arterial road.

Class 7 use is generally seen as compatible with residential neighbours unless of a scale where activity is likely to cause permanent disturbance.

The behaviour of guests is a matter for the operators to control, if necessary. There are existing environmental powers in place to deal with noise and/or anti-social behaviour should these issues arise."

- 4.18 As the extract from the Appellant's advert on the Vrbo short term accommodation website illustrates above, the operator does not permit parties or rent accommodation to anyone under the age of 21.
- 4.19 The Planning Officer in his Report of Handling (document ref: PK5) considers that the use of the property for Short Term Let visitor accommodation will increase the frequency of movement to the property and the shared stair. As we have identified, the property is the only property on the ground floor of the building. Properties on upper floors are accessed via a lift and shared stairs located behind an intercom door which separates the ground floor property from the rest of the block and there is therefore no conflict.
- 4.20 The Planning service will assess the merits of any proposal against its impact on the lawful planning use of nearby properties. Where the area is wholly residential, it is unlikely that short-term let proposals will be supported.

The size of the property

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

- 4.21 **Our Response:** The property has two double bedrooms accommodating 4 guests. The location and floorplan (document ref: PK5) submitted with the application illustrates that these rooms are not capable of accommodating further guests within the bedrooms. The living/dining/kitchen area is designed to accommodate 4 guests as seen on the extract from the Vrbo letting website. In addition, the small balcony is only capable of accommodating a small table and 2 chairs.

The pattern of activity associated with the use including number, period of use, issues of noise, disturbance, and parking demand.

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

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

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

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

- 4.22 Our Response: The property is located on the ground floor of block 2 and is the only property on the ground floor of the building. The property is separated from premises on upper floors which are accessed via a lift and stairs located beyond an internal access door located on the ground floor. The building layout and location of the property can be seen on the location plan and floor plan (document 2). There is no reason for any occupiers of the premises at ground floor level to access other areas of the building and therefore no likelihood of neighbours being disrupted bumping suitcases.
- 4.23 The guidance makes reference to other potential disturbance including "using washing machines in the middle of the night." The premises have been recently constructed and meet all regulatory building standard requirements, furthermore, there is no evidence to justify that a user of the premises is any more likely to operate a modern domestic washing machine or other domestic appliances at night time than a permanent resident who occupies a neighbouring property.

- 4.24 The Planning Officer in his Report of Handling (document ref: PK5) considers that the movement of visitors arriving and staying at the property on a regular basis is dissimilar to that of permanent residents. He goes on to consider that these visitors could come and go frequently through the day and night with less regard for neighbours and the security of shared spaces.
- 4.25 Mrs Kleczeck seeks to ensure that users of the premises have regard to the amenity of neighbouring occupiers and there is no evidence presented by the Planning Officer to support his assertion regarding potential disruption to neighbours. Indeed quiet hours are noted on the property's www.booking.com webpage as follows:

 Quiet hours

Guests must be quiet between 23:00 and 06:00.

The nature and character of any services provided.

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

- 4.26 **Our Response:** Open space forms part of the Wintermill Square development. The principle areas are located to the east and north of the block and include a small seating area. As we have outlined above, the premises comprise two double bedrooms and the operation is not of a scale which is likely to see the open space over-run by users of the STL premises.
- 4.27 Undesignated parking is located at Watermill Square and no new parking provision is required. The property is well located for access to public transport as Bonnington Road is a main arterial bus route connecting the site to the city centre where a range of public transport options is available. There is no conflict with Local Development Plan transport policies.

National Planning Framework 4

- 4.28 The relevant policies for consideration are Policy 1 – Sustainable Places and Policy 30e – Tourism.
- 4.29 **Policy 1 – Sustainable Places:** The policy requires significant weight to be given to the global climate or nature crisis.

- 4.30 **Our Response:** The development does not propose any physical impact on the global climate or nature crisis.
- 4.31 **Policy 30 – Tourism:** Part e of the Policy is relevant to the operation of the short term let operation. It states:
- “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.”*
- 4.32 **Our Response:** As we have demonstrated above the proposed development has been in operation since it was constructed and is therefore not being ‘reused’ for short term holiday letting.
- 4.33 The size and location of the premises are such that they do not impact on the local amenity or character of the area. The property well separated from other premises within the block. It is the only property located at ground floor level, with access to properties on other floors only accessible via a lift or via stairs which are located behind an internal door. The size of the property as demonstrated on the location and site plan (document ref: PK2), as well as property photographs, is only capable of accommodating 4 people and will therefore not attract large groups to the area. The scale of use will not overwhelm any associated use of open space. There have been no complaints regarding the ongoing operation of the STL and no objection has been submitted by the Council’s Environmental Services.
- 4.34 Wintermill Square is located in a mixed use area, where a backpacking hostel also operates adjacent to residential development and as outlined in the associate Report of Handling (application ref: 19/00222/FUL) such use is generally seen as compatible with residential neighbours unless it is of a scale where activity is likely to cause permanent disturbance. It is appropriate to consider ongoing STL should be considered within the same context as the backpackers’ hostel.
- 4.35 **The development will not result in a loss of residential accommodation.** we have outlined above, the property has always been used for short term let visitor accommodation. The Council’s ‘Economic Impact of Residential Accommodation – Short Term Let Properties in Edinburgh’ provides an assessment of economic benefits. The study

demonstrates that within Edinburgh North and Leith that Short Term Let generates a higher number local full time equivalent jobs and gross annual taxation than residential use whilst residential development has a higher gross value added impact. This is illustrated in the table below extracted from the study.

Edinburgh North and Leith - Residential				Edinburgh North and Leith - Short Term Let			
Unit Size	Net Local FTE Jobs	Net Annual Local GVA Impact	Gross Annual National and Local Taxation	Unit Size	Net Local FTE Jobs	Net Annual Local GVA Impact	Gross Annual National and Local Taxation
1 bed	0.19	£ 7,500	£ 7,290	1 bed	0.23	£ 4,765	£ 12,331
2 bed	0.34	£ 13,608	£ 17,952	2 bed	0.43	£ 8,855	£ 21,880
3 bed	0.53	£ 21,304	£ 24,712	3 bed	0.66	£ 13,437	£ 32,556
4 bed	0.68	£ 27,215	£ 35,104	4 bed	0.64	£ 13,044	£ 32,195
5 bed	0.84	£ 33,866	£ 47,523	5 bed	0.96	£ 19,624	£ 47,763

- 4.36 The ‘Economic Impact of Residential and Short-Term Let Properties in Edinburgh’ has been prepared by appropriately professionally qualified consultants and is an up to date economic impact assessment. It disaggregates economic impact by electoral constituencies and number of bedrooms. The Planning Officer considers in the Report of Handling (document ref: PK5) that the *“should not be given significant weight as a material consideration as it addresses generalities,”* however, the degree of disaggregation does demonstrate a level of detail which is appropriate to outline the balance of economic benefits.
- 4.37 Furthermore, the Planning Officer recognises that, *“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.”*
- 4.38 In his conclusion in the Report of Handling (PK:5) the Planning Officer recognises that, *“there is an economic benefit to the city as a whole from the provision of tourist accommodation...”*
- 4.39 We conclude that the ongoing operation of the STL is not in conflict with Policy 30.
- 4.40 Three representations were received in respect of the application noting risk of noise and disturbance to neighbours, potential impact on vehicle parking, potential impact on shared open space, loss of housing and impact on the community. Matters raised in the representations are addressed within our assessment of planning policy and non-statutory planning guidance.

5.0 CONCLUSION

- 5.1 Mrs Patrycja Kleczek, has submitted a request for review of the planning authorities decision to refuse her application for Planning Permission for a 'Change of use of existing flat to short-term letting (in retrospect' at 1 /2 Wintermill Square, Edinburgh (ref: 23/02672/FULSTL), This Supporting Statement demonstrates that the ongoing operation of the short term let visitor accommodation accords with the Development Plan and relevant material considerations.
- 5.2 The property has been is use as short term let visitor accommodation since it was constructed contributing to the City's visitor economy. It has never been used as a primary residence and its continued use will not result in the loss of resident accommodation within the City.
- 5.3 The property is located within an area of mixed use comprising, commercial, business and industrial uses. Surrounding uses include a backpackers' hostel which was granted planning permission in 2019 without impactir neighbouring amenity, serving to illustrate that the short term let visitor accommodation is also appropriate within the local context.
- 5.4 The modern ground floor property is separate from properties on the upper floors of the block, which are accessed via a lift and stair way located beyond an internæ door. The accommodation within the property is suitable for 4 people and is not of a size which would attract a larger volume of people to the premises and impacting on the neighbouring amenity.
- 5.5 The property has operated as short term visitor accommodation without complaints from neighbours, emergency services or the Council's Environmental Services, demonstrating it operates successfully without impact on the neighbouring amenity.
- 5.6 Whilst we consider that a Certificate of Lawfulness for an Existing Use is appropriate mechanism for establishing the premises ongoing use, avoidance of doubt, the application should be approved.

HolderPlanning

Town Planning and Development Consultants

The City of Edinburgh Council
Waverley Court,
4 East Market Street,
Edinburgh, EH8 8BG

Our ref:
Your ref:

25 October 2023

Dear Sirs

**REF: Local Review Body, Request for Review of Application Ref: 23/02672/FULSTL, 1 /2
Wintermill Square, Edinburgh**

I write reference to the above and to confirm that Hoder Planning Limited, act as agent for Mrs Kleczek, in respect of her request for review to the Local Review Body of application ref: 23/02672/FULSTL for a change of use of existing flat to short-term letting (in retrospect) at Flat 1 2 Wintermill Square Edinburgh EH6 5QP.

Yours sincerely,



Lesley McGrath
Director

HolderPlanning

Cc: Mrs P Kleczek

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 100625112-002

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

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 of existing flat to short term letting

Is this a temporary permission? *

Yes No

If a change of use is to be included in the proposal has it already taken place?

Yes No

(Answer 'No' if there is no change of use.) *

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): *

22/10/2021

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

no consent required when this use started

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Whitelaw Associates		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Tom	Building Name:	Kitleybrig
Last Name: *	Whitelaw	Building Number:	
Telephone Number: *		Address 1 (Street): *	Kitleyknowe
Extension Number:		Address 2:	Carlops
Mobile Number:		Town/City: *	Penicuik
Fax Number:		Country: *	Scotland
		Postcode: *	EH26 9NJ
Email Address: *			
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	flat 1
First Name: *	Patrycja	Building Number:	2
Last Name: *	Kleczek	Address 1 (Street): *	Wintermill Square
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Edinburgh
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	EH6 5QP
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

City of Edinburgh Council

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

Address 1:

FLAT 1

Address 2:

2 WINTERMILL SQUARE

Address 3:

BONNINGTON

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH6 5QP

Please identify/describe the location of the site or sites

Northing

676007

Easting

326018

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

85.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

flat

Access and Parking

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

Yes No

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

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

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

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

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

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

Water Supply and Drainage Arrangements

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

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

Note:-

Please include details of SUDS arrangements on your plans

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

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

Yes

No, using a private water supply

No connection required

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

Assessment of Flood Risk

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

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

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

Trees

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

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

Waste Storage and Collection

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

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

no change to existing

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: Tom Whitelaw

On behalf of: Mrs Patrycja Kleczek

Date: 20/06/2023

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

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr Tom Whitelaw

Declaration Date: 14/04/2023

Payment Details

Online payment: ████████████████████

Payment date: ████████████████

Created: 2023-04-14 14:00:00

2/1 WINTERMILL SQUARE, EDINBURGH, EH6 5QP

use as short term letting flat

This flat has been used as a short term letting flat since 22 October 2021 without any issues or complaints.

From the communal entrance it is the first and only ground floor flat door so guests do not pass other doors to access it.

Guests can use the communal residents parking but do not have access to the communal gardens or bins stores etc. Waste is removed by the cleaning staff.

This is a two bedroom flat accommodating a maximum of 4 persons, with actual usually less, and the occupancy is around 55%.

WA
14 April 2023

Whitelaw Associates.
FAO: Tom Whitelaw
Kitleybrig
Kitleyknowe
Carlops
Penicuik
EH26 9NJ

Mrs Kleczek.
Flat 1 2 Wintermill Square
Edinburgh
EH6 5QP

Decision date: 26 July 2023

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

Change of use of existing flat to short-term letting (in retrospect).
At Flat 1 2 Wintermill Square Edinburgh EH6 5QP

Application No: 23/02672/FULSTL

DECISION NOTICE

With reference to your application for Planning Permission STL registered on 20 June 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;

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

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

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

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

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

A handwritten signature in black ink, appearing to read 'Sean Christie', followed by a long horizontal line extending to the right.

Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

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

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

Report of Handling

**Application for Planning Permission STL
Flat 1 2 Wintermill Square, Edinburgh, EH6 5QP**

Proposal: Change of use of existing flat to short-term letting (in retrospect).

**Item – Local Delegated Decision
Application Number – 23/02672/FULSTL
Ward – B12 - Leith Walk**

Recommendation

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

Summary

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

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

SECTION A – Application Background

Site Description

The application property comprises a two-bedroom, ground floor flatted dwelling within a modern apartment block at 2 Wintermill Square, Bonnington. The property is accessed via a shared stairwell.

The site is accessed via Newhaven Road. The immediate area is predominantly residential with some industrial, warehouse and residential uses in the wider area.

Description Of The Proposal

Planning permission is sought for the retrospective change of use from residential to short term let (sui generis). No internal or external works are proposed as part of this application.

Supporting Information

- Supporting Statement

Relevant Site History

23/01653/FULSTL

Flat 1 2 Wintermill Square

Edinburgh

EH6 5QP

Change of use of existing flat to short-term letting (in retrospect).

Other Relevant Site History

No other relevant site history.

Consultation Engagement

No consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 23 June 2023

Date of Advertisement: Not Applicable

Date of Site Notice: Not Applicable

Number of Contributors: 3

Section B - Assessment

Determining Issues

This report will consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

- equalities and human rights;
- public representations; and
- any other identified material considerations.

Assessment

a) The proposals comply with the development plan?

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4. The relevant policies to be considered are:

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

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

Proposed Use

With regards to NPF 4 Policy 1, the proposals do not involve operational development and therefore, will have a negligible impact on the global climate and nature crisis.

NPF 4 Policy 30 seeks to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland. Criterion 30 (e) specifically relates to STL proposals.

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

The non-statutory Guidance for Businesses (2023) states that an assessment of a change of use of dwellings to a short term let will have regard to:

- The character of the new use and of the wider area;
- The size of the property;
- The pattern of activity associated with the use including numbers of occupants, the period of use, issues of noise, disturbance and parking demand; and
- The nature and character of any services provided.

Amenity:

The property is located within a predominantly residential area of Bonnington. There is a low degree of activity in the immediate vicinity of the property.

The applicant's supporting statement asserts that there have been no complaints during the operation of the property as an STL (since October 2021).

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

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

This would be significantly different from the ambient background noise that neighbouring residents might reasonably expect and will have an unacceptable effect on the living conditions and amenity of nearby residents. The proposal does not comply with NPF 4 policy 30(e) part (i) and LDP policy Hou 7.

Loss of residential accommodation:

NPF 4 policy 30 (e) part (ii) requires that where there is a loss of residential property this will only be supported where the loss is outweighed by demonstrable local economic benefits.

The applicant's supporting statement does not provide any evidence of demonstrable economic benefits associated with the use of the property as an STL.

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

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

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

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

Parking Standards

Although off street parking is available at this property, there are no parking requirements for STLs. Cycles can be parked inside the property. The proposals comply with LDP Policies Tra 2 and Tra 3.

Conclusion in relation to the Development Plan

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

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

The following material planning considerations have been identified:

Independent economic impact assessment

An independent economic impact assessment was commissioned by the Planning Service, and this resulted in a report on the Economic Impact of Residential and Short-Term Let Properties in Edinburgh (the Economic Report). This was reported to Planning Committee on 14 June 2023. The Committee noted that the findings of the report are one source of information that can be considered when assessing the economic impacts of short-term let planning applications and that given the report is considering generalities rather than the specifics of an individual case, it is likely that only limited weight can be attached to it as a material consideration when making planning application decisions. The study considered the economic impact of various types of properties in Edinburgh if used as a residential property as opposed to being used for short-term holiday lettings.

The Economic Report shows that there are positive economic impacts from the use of properties for both residential use and short-term let use. The Report found that in general the gross value added (GVA) effects are greater for residential uses than short-term lets across all property types and all areas. However, given it is considering generalities rather than the specifics of this individual case, only limited weight can be attached to it as a material consideration in the determination of this application.

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

Three representations were received (all objections). A summary of these representations is provide below:

material considerations

- Negative impact on local residential amenity due to noise and disturbance. Addressed in part a).
- Negative impact on the security of shared spaces. Addressed in part a).
- Negative impact regarding parking availability. Addressed in part a).
- Negative impact on city-wide housing availability and affordability. Addressed in part a).
- Disruption to the area's residential community. Addressed in part a).

non-material considerations

- The STL use is incompatible with the property's title deeds. This is not a relevant consideration in the assessment of this application.

Conclusion in relation to identified material considerations

Identified material considerations have been assessed above and do not raise issues which outweigh the conclusion in relation to the development plan.

Overall conclusion

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

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

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reason for Refusal

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this dwelling as a short term let

will have a materially detrimental effect on the living conditions and amenity of nearby residents.

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

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 20 June 2023

Drawing Numbers/Scheme

01

Scheme 1

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

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

Appendix 1

Consultations

No consultations undertaken.

Application Certification Record

Case Officer

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

Case Officer: Sean Christie

Date: 19 July 2023

Authorising Officer

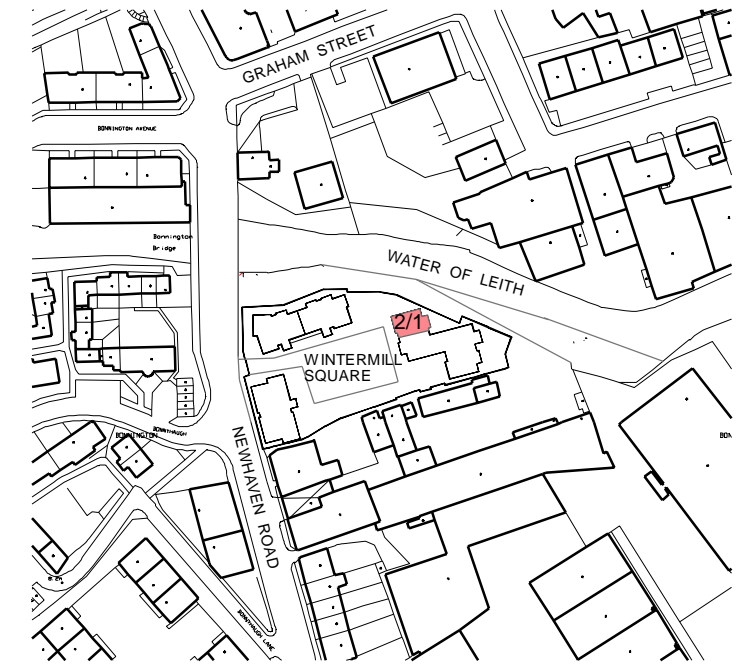
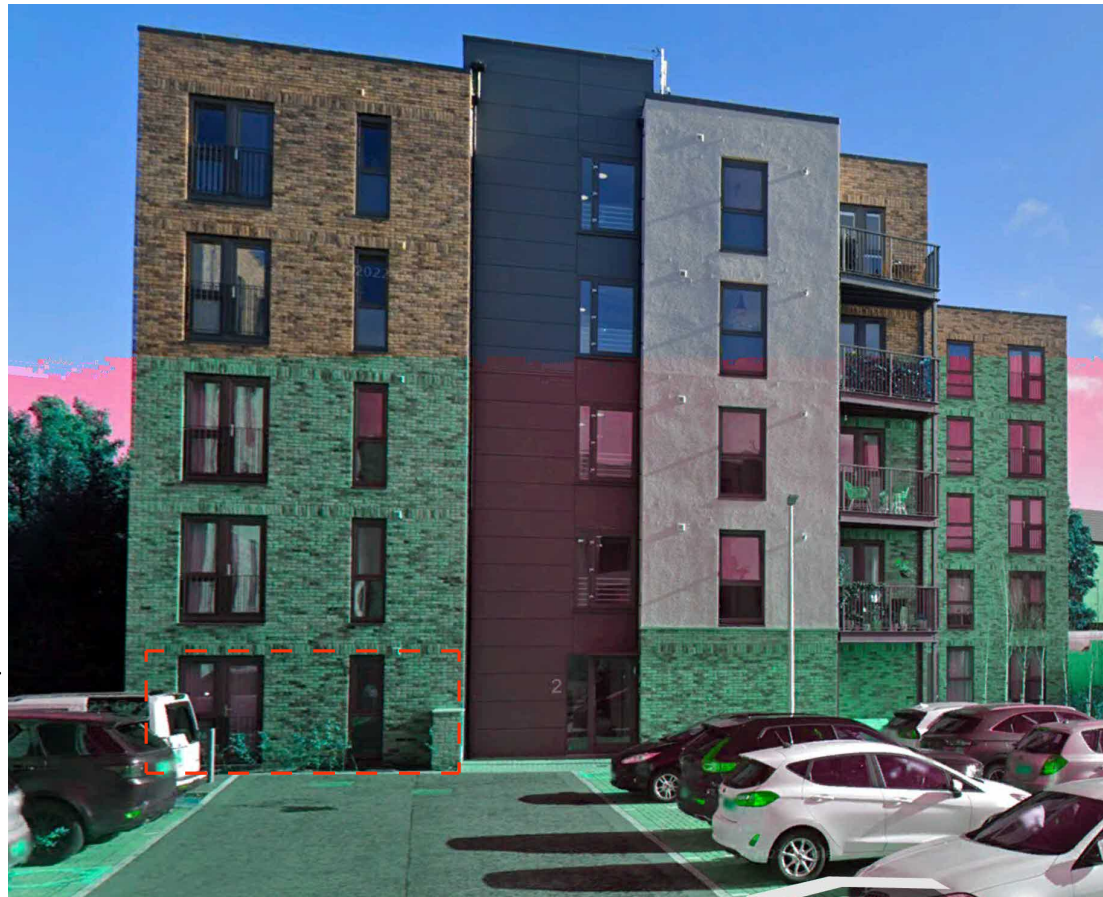
To be completed by an officer as authorised by the Chief Planning Officer to determined applications under delegated powers.

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

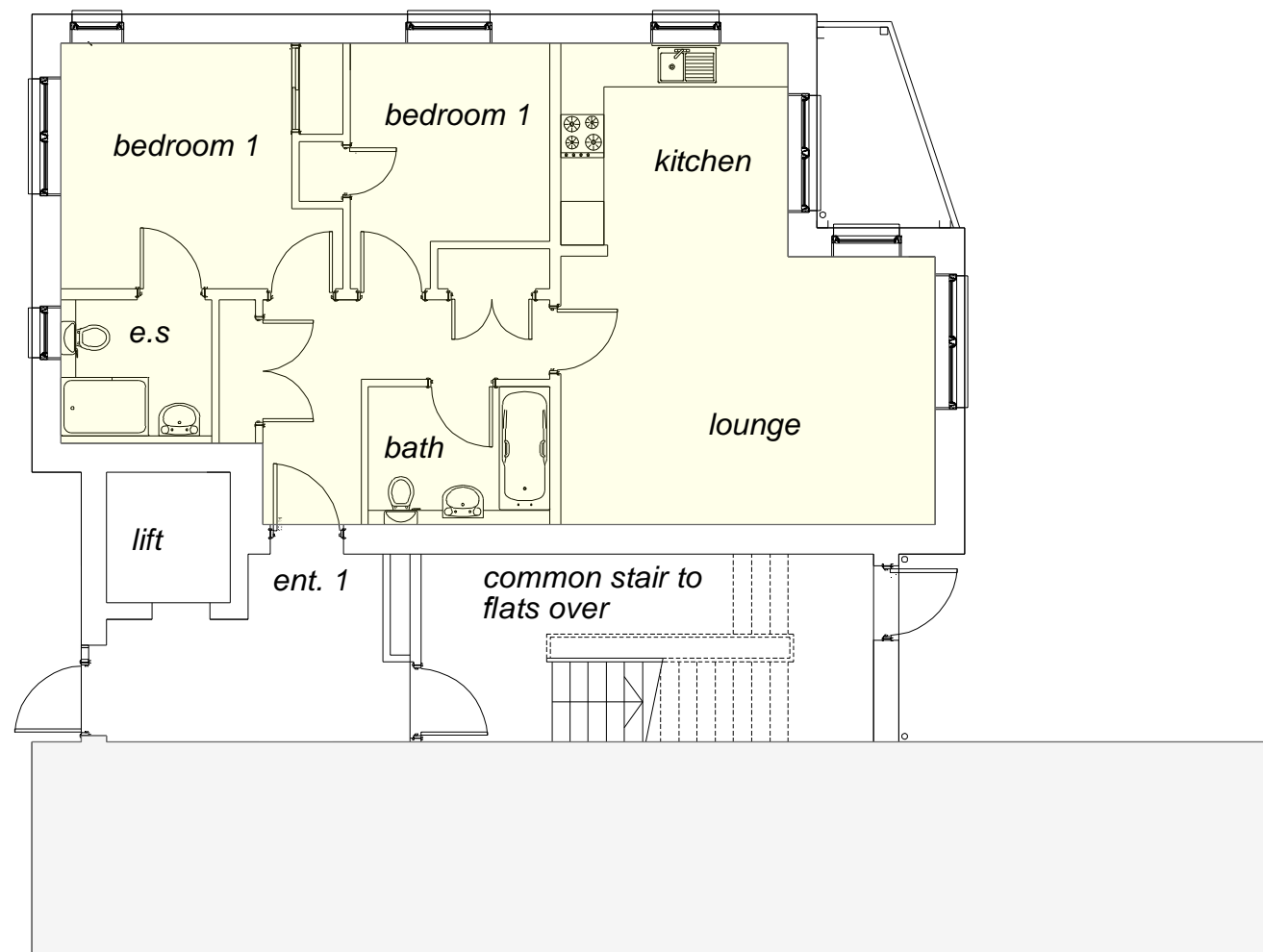
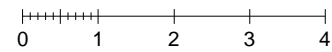
Authorising Officer (mRTPI): Damian McAfee

Date: 25 July 2023

ground floor flat →



location plan 1:1250



entrance No 2

ground floor flat
2/1 WINTERMILL SQUARE
EDINBURGH, EH6 5QP

scale 1:100
WA 01968 660452

April 2023

drg. P1