

Felsham Planning & Development.  
FAO Philip Neaves  
1 Western Terrace  
Edinburgh  
EH12 5QF

Feshiebridge Ltd.  
1 Abercromby Place  
Edinburgh  
EH3 6JX

**Decision date: 20 September 2023**

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

Change of use from Class 2 (financial and professional services) to Class 7 (hotels and hostels) and associated alterations.

At 1 - 1A Abercromby Place Edinburgh EH3 6JX

**Application No:** 22/05621/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 24 November 2022, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

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

**Reason for Refusal:-**

1. The proposal would be contrary to LDP Policy Hou 7 in that it would have the potential to have an adverse effect on neighbouring residential amenity by way of noise and disruption from occupiers of the units.

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

Drawings 01-05, 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 unacceptable by virtue of it being contrary to LDP Policy Hou 7, as it would have a detrimental impact on residential amenity.

With regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the proposal would be acceptable as it would be compatible with and has special regard to the desirability of preserving the building and the character and appearance of the conservation area. There are no material considerations which outweigh this conclusion.

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

Should you have a specific enquiry regarding this decision please contact Conor MacGreevy directly at [conor.macgreevy@edinburgh.gov.uk](mailto:conor.macgreevy@edinburgh.gov.uk).



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

## NOTES

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

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

# Report of Handling

## Application for Planning Permission

1 - 1A Abercromby Place, Edinburgh, EH3 6JX

**Proposal: Change of use from Class 2 (financial and professional services) to Class 7 (hotels and hostels) and associated alterations.**

## Item – Local Delegated Decision

Application Number – 22/05621/FUL

Ward – B11 - City Centre

## Recommendation

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

## Summary

The proposal is unacceptable by virtue of it being contrary to LDP Policy Hou 7, as it would have a detrimental impact on residential amenity.

With regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the proposal would be acceptable as it would be compatible with and has special regard to the desirability of preserving the building and the character and appearance of the conservation area. There are no material considerations which outweigh this conclusion.

## SECTION A – Application Background

### Site Description

The application site relates to the ground and basement floors of 1-1A Abercromby Place, Edinburgh. It is a category B, Listed building. William Cuthbertson and James Dobson, 1809, with later 19th century alterations. It has an advanced pilastered later 19th century shop front spanning bays at the principal floor, with scrolled brackets supporting mutuled cornice; recessed glazed door at centre, with geometric plate glass windows in remaining bays. The property is currently in use as an estate agents.

The surrounding area is characterised by tenemental buildings, which are predominately residential in nature, with a small number of commercial units at ground

floor level. These units mainly serve the day time economy, although there is a restaurant and a bar/restaurant within the vicinity.

The property is a Statutorily B Listed Building (1970), located within the New Town Conservation Area..

### **Description Of The Proposal**

The application is a change of use from a Class 1A to a Class 7 to include internal and external alterations.

Whilst the description of development is to change the use to a Class 7 use, the Council does not consider this to be an accurate reflection of the proposal. It considers the correct description is a change of use from Class 7 to five short term let apartments. This will be examined and assessed in the following report of handling.

### **Relevant Site History**

22/05620/LBC

1 - 1A Abercromby Place

Edinburgh

EH3 6JX

Alterations associated with change of use from Class 2 (financial and professional services) to Class 7 (hotels and hostels).

Granted

16 February 2023

21/02195/FUL

1 - 1A Abercromby Place

Edinburgh

EH3 6JX

Change existing offices into 5 residential flats.

Granted

4 November 2021

21/02171/LBC

1 - 1A Abercromby Place

Edinburgh

EH3 6JX

Alter existing offices and return property to residential use, creating 5 flats.

Granted

4 November 2021

### **Other Relevant Site History**

No other relevant site history.

### **Consultation Engagement**

Roads Authority.

Environmental Protection

## Publicity and Public Engagement

**Date of Neighbour Notification:** 20 September 2023

**Date of Advertisement:** 9 December 2022

**Date of Site Notice:** 9 December 2022

**Number of Contributors:** 5

## Section B - Assessment

### Determining Issues

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

- a) Is there a strong presumption against granting planning permission due to the proposals:
- (i) harming the listed building or its setting? or
  - (ii) conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- b) If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

## **Assessment**

To address these determining issues, it needs to be considered whether:

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

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

- Managing Change - Conservation Areas.
- Managing Change - Interiors

### **Impact on Listed Building**

The proposal will not have a detrimental impact on the historical architectural features and will therefore not adversely impact on the special architectural or historic interest of the listed building.

### **Conclusion in relation to the listed building**

The proposal will not impact on the special architectural or historic interest of the listed building and is acceptable with regards to Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

### **b) The proposals impact on the character or appearance of the conservation area?**

The proposed changes represent minor alterations to the application site. By virtue of their size, location and suitable materials, the works would not have a detrimental impact on the character and appearance of the conservation area.

### **Conclusion in relation to the conservation area**

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

### **c) The proposals comply with the development plan?**

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

The relevant NPF4 and LDP policies to be considered are:

- NPF4 Policies 1 and 7.
- LDP Housing Policy Hou 7.
- LDP Developer Contributions Policy Del 1.

The non-statutory Guidance for Businesses and non-statutory Listed Buildings and Conservation Area guidance are material considerations that are relevant when considering the aforementioned policies.

### Historic Assets & Scale, Form and Design

In terms of the physical alterations, the changes would represent acceptable alterations to the application site. By virtue of their modest nature, the works would not have a detrimental impact on the character and appearance of the host property or the surrounding area.

This complies with NPF4 Policy 7.

### Description of Development

The application description is for a Class 7 use, however the plans depict a layout that is representative of short term lets, which are sui generis. Each unit is distinct, has the facilities that would be expected in a self contained flat and is separate from its neighbours. Critically, there are no communal facilities normally associated with hotels, such as the provision of a restaurant or cafe, or any form of reception or staff presence.

Therefore, despite the position of the applicant that the proposal falls within a Class 7 use, the assessment will be made to reflect the Council's opinion that the use would form five separate short term lets

### Amenity

The proposed property is situated in a predominately residential area with varied levels of vehicular and pedestrian traffic. Access to the building is via a private front door.

The use as five short term lets would allow visitors to come and go from the premises for inconsistent periods of time on a regular basis throughout the year in a manner dissimilar to that of a residential nature. A transient visitor may also have less regard for neighbours' amenity than individuals using the property for a longer period. Although there are commercial uses within the immediate area, the street also has a residential feel, with the application site being in close proximity to residential properties, including flats above and adjacent to the site.

The introduction of the development would have the potential to introduce noise and disturbance, to the detriment of neighbouring residential amenity.

The proposal is contrary to LDP Policy Hou 7.

### Roads Authority

The Roads Authority was consulted in relation to the application and returned no objections providing a tram contribution is met.

This would comply with LDP Policy Del 1.

### **Conclusion in relation to the Development Plan**



The proposal is contrary to LDP Hou 7 due to the potential impact on neighbouring residential amenity.

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

The following material planning considerations have been identified:

Emerging policy context

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little weight can be attached to it as a material consideration in the determination of this application.

Independent economic impact assessment

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

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

Equalities and human rights

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

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

Public representations

Five comments were received (Three in objection, two in a neutral stance).

Material -

Out of character; this is addressed in section c).

Traffic; this is addressed in section c).  
Noise; this is addressed in section c).

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

These have been addressed.

#### **Overall conclusion**

The proposal is unacceptable by virtue of it being contrary to LDP Policy Hou 7, as it would have a detrimental impact on residential amenity. With regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the proposal would be acceptable as it would be compatible with and has special regard to the desirability of preserving the building and the character and appearance of the conservation area. There are no material considerations which outweigh this conclusion.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

### **Reason for Refusal**

1. The proposal would be contrary to LDP Policy Hou 7 in that it would have the potential to have an adverse effect on neighbouring residential amenity by way of noise and disruption from occupiers of the units.

### **Background Reading/External References**

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

**Further Information - [Local Development Plan](#)**

**Date Registered: 24 November 2022**

### **Drawing Numbers/Scheme**

01-05

Scheme 1

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

Contact: Conor MacGreevy, Planning Officer  
E-mail:conor.macgreevy@edinburgh.gov.uk

## Appendix 1

### **Consultations**

NAME: Roads Authority.

COMMENT: No objections subject to the following being included as conditions or informatives as appropriate;

1. The applicant will be required to contribute the net sum of £ £7,478 (based on proposed 7 hotel rooms and existing use of 308sqm office in Zone 1) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment.

Please see the consultation for more information.

DATE: 6 January 2023

NAME: Environmental Protection

COMMENT: On objections.

Please see the consultation for more details.

DATE: 17 March 2023

The full consultation response can be viewed on the Planning & Building Standards Portal.

## 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: Conor MacGreevy

Date: 13 September 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): Alan Moonie

Date: 13 September 2023

# Comments for Planning Application 22/05621/FUL

## Application Summary

Application Number: 22/05621/FUL

Address: 1 - 1A Abercromby Place Edinburgh EH3 6JX

Proposal: Change of use from Class 2 (financial and professional services) to Class 7 (hotels and hostels) and associated alterations.

Case Officer: Local1 Team

## Customer Details

Name: Ms Geraldine McDowell

Address: 16 Dublin Street Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly object to this development and consider it completely inappropriate for our neighbourhood. We are already overlooked by a large aparthotel in Queen Street whose guests are a complete pest in the summer months because of parties and noise. In addition there are a number of large student flats and air b and bs in the immediate area where we experience the same problems in the winter months. Currently this part of the New Town, a World Heritage site, has just about the right balance between a permanent population and a transitory one. This development would tip that balance the wrong way and completely change the nature of our street. Not to mention the additional rubbish collection and parking issues that would inevitably occur and the many months of extensive building works.

# Comments for Planning Application 22/05621/FUL

## Application Summary

Application Number: 22/05621/FUL

Address: 1 - 1A Abercromby Place Edinburgh EH3 6JX

Proposal: Change of use from Class 2 (financial and professional services) to Class 7 (hotels and hostels) and associated alterations.

Case Officer: Local1 Team

## Customer Details

Name: Dr Iain Gordon Brown

Address: 4 Abercromby Place Abercromby Place Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: Although we do not object to the change of use / status from office to HotelApartments, we do have real concerns about the impact of the development on the street and its residents. In particular, where are the hotel guests to park? There are not enough parking places, as it is, for residents! In addition - and this is the most serious matter - the servicing of the proposed hotel apartments will mean a constant stream of vans and deliveries for, e.g. laundry, food, cleaners, concierge staff changes, etc. Where are all of these to load and unload, given that the site is on a corner with yellow lines? Inevitably we will find vans occupying residents bays, double-parking and so on. We would have less concern if these proposed flat were to be in long-term residential use, though even then the matter of parking and service vehicles would have to be addressed. .

# Comments for Planning Application 22/05621/FUL

## Application Summary

Application Number: 22/05621/FUL

Address: 1 - 1A Abercromby Place Edinburgh EH3 6JX

Proposal: Change of use from Class 2 (financial and professional services) to Class 7 (hotels and hostels) and associated alterations.

Case Officer: Local1 Team

## Customer Details

Name: A Gillen

Address: Basement 10 Abercromby Place Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The estate agent building is better suited to permanent residents which was basis of the change of use application prior to this application. Using the building as a hotel/apart hotel will generate more traffic in this already busy corner and no parking is available other than the already over used street ticket parking in the surrounding area.- this feels as though it is already at capacity.

The increased turnover of footfall will impact the character of this conservation area in a way that permanent residents wouldn't- ie residents tend to go ahead their day to day business rather than coming and going more frequently when, for example, on holiday.

These above points will therefore increase the noise in the locality which will again impact on the character of the area- for example where the hotel is use for group holidays/breaks.



# Comments for Planning Application 22/05621/FUL

## Application Summary

Application Number: 22/05621/FUL

Address: 1 - 1A Abercromby Place Edinburgh EH3 6JX

Proposal: Change of use from Class 2 (financial and professional services) to Class 7 (hotels and hostels) and associated alterations.

Case Officer: Local1 Team

## Customer Details

Name: Mrs Louise Soutar

Address: 3 Abercromby Place Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly object to an application which would convert potential residential properties (planning permission granted April 2021) to short term let serviced apartments.

This area already has a number of Airbnb and short term let apartments. To convert this property to serviced apartments would have an adverse impact on residential amenity.

Permanent residents are less likely to create noise on a frequent basis and have more consideration for the local environment than temporary residents.

The number of guests and the daily servicing of the apartments would cause a significant change to the residential character of the area. As a commercial property there is also the issue of dealing with increased waste and recycling.

# Comments for Planning Application 22/05621/FUL

## Application Summary

Application Number: 22/05621/FUL

Address: 1 - 1A Abercromby Place Edinburgh EH3 6JX

Proposal: Change of use from Class 2 (financial and professional services) to Class 7 (hotels and hostels) and associated alterations.

Case Officer: Local1 Team

## Customer Details

Name: Dr Malcolm Fluendy

Address: 9 Abercromby Place Edinburgh

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: The present elevation is totally inappropriate and would never now be permitted. If this application is to be approved it should require the street elevations to conform much more closely in appearance to adjacent buildings. This is an important opportunity to recover some homogeneity in the New Town.

## MEMORANDUM

**To:** Planning Officer  
Local1 Team

**From:** Transport  
Kofi Appiah

**Our Ref:** 22/05621/FUL

**22/05621/FUL  
1 - 1A ABERCROMBY PLACE  
EDINBURGH  
EH3 6JX**

### TRANSPORT CONSULTATION RESPONSE

#### Summary Response

The application should be continued for additional information

1. GFA of the existing office required to calculate net tram contribution

#### Full Response

*Kofi Appiah*

**TRANSPORT  
Kofi Appiah  
Transport Officer**

## MEMORANDUM

**To:** Planning Officer  
Conor MacGreevy

**From:** Transport  
Kofi Appiah

**Our Ref:** 22/05621/FUL

**22/05621/FUL**  
**1 - 1A ABERCROMBY PLACE**  
**EDINBURGH**  
**EH3 6JX**

### TRANSPORT CONSULTATION RESPONSE

#### Summary Response

No objections subject to appropriate conditions or informatives

#### Full Response

No objections subject to the following being included as conditions or informatives as appropriate;

1. The applicant will be required to contribute the net sum of £ £7,478 (based on proposed 7 hotel rooms and existing use of 308sqm office in Zone 1) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment.

#### Note:

Existing 308sqm office contribution = £23,522  
Proposed 7- bed hotel contribution =£31,000  
Net tram contribution =£ £7,478

Kofi Appiah

**TRANSPORT**  
**Kofi Appiah**  
**Transport Officer**