



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 100651549-001

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Iceni Projects"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Callum"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Fraser"/>	Building Number:	<input type="text" value="7"/>
Telephone Number: *	<input type="text" value="0131 3703486"/>	Address 1 (Street): *	<input type="text" value="Alva Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="EH24PH"/>
Email Address: *	<input type="text" value="Cfraser@iceniprojects.com"/>		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Longmore House"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Salisbury Place"/>
Company/Organisation	<input type="text" value="Historic Environment Scotland"/>	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="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH9 1SH"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="Cfraser@iceniprojects.com"/>		

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="1 DUKE'S WALK"/>
Address 2:	<input type="text" value="HOLYROOD"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH8 7AT"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="674082"/>	Easting	<input type="text" value="327800"/>
----------	-------------------------------------	---------	-------------------------------------

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 from residential (Class 9) to short term let (Sui Generis) (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.

Contrary to the reason for refusal provided, the proposed loss of residential accommodation is justified: The property has never provided formal residential accommodation, neither will it in the future. There will be no loss of existing or future residential accommodation. In any event, the local economic benefits generated by this proposal outweigh any potential loss of residential accommodation. Full justification is provided within the accompanying Supporting Statement.

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)

Additional details regarding the income generated by the STL use of the property have been provided to support the economic justification for the proposal. In refusing planning permission CEC's Report of Handling states "No reference is made to the specific income generated by the STL use of this property". CEC did not request income-related information prior to determination so the applicant had no opportunity to address this requirement as part of their wider economic justification.

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)

Notice of Review - Supporting Statement (13.11.23) / Planning Permission Application Form / Supporting Statement / Location Plan / Floor Plans / Email correspondence with case officer / Further Submission by Applicant (30.8.23) / Letter from Mr Stephen A Duncan, HES (27.9.23) / Decision Notice (27.9.23) / Report of Handling (16.8.23)

Application Details

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

23/02733/FULSTL

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

23/06/2023

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

27/09/2023

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 *

Holding one or more hearing sessions on specific matters

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)

This is an atypical short-term let proposal. The special characteristics of this case - ownership, location, context for proposed STL use, justification for perceived loss of residential (i.e. there will be no loss of existing or future residential accommodation but, in any event, the direct and indirect economic benefits arising are significant and outweigh this consideration) - are unique and we wish to ensure these are subject to full examination and discussion.

Please select a further procedure *

Further written submissions on specific matters

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)

This is an atypical short-term let proposal. The special characteristics of this case - ownership, location, context for proposed STL use, justification for perceived loss of residential (i.e. there will be no loss of existing or future residential accommodation but, in any event, the direct and indirect economic benefits arising are significant and outweigh this consideration) - are unique and we wish to ensure these are subject to full examination and discussion.

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)

This is an atypical short-term let proposal. The special characteristics of this case - ownership, location, context for proposed STL use, justification for perceived loss of residential (i.e. there will be no loss of existing or future residential accommodation but, in any event, the direct and indirect economic benefits arising are significant and outweigh this consideration) - are unique and we wish to ensure these are subject to full examination and discussion.

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mr Callum Fraser

Declaration Date: 13/11/2023



13TH
NOVEMBER
2023

NOTICE OF REVIEW SUPPORTING STATEMENT

Planning Application: 23/02733/FULSTL

1 Duke's Walk, Edinburgh, EH8 7AT

Iceni Projects Limited on behalf of
Historic Environment Scotland

13th November 2023

Iceni Projects

Birmingham: The Colmore Building, 20 Colmore Circus Queensway, Birmingham B4 6AT

Edinburgh: 7 Alva Street, Edinburgh, EH2 4PH

Glasgow: 177 West George Street, Glasgow, G2 2LB

London: Da Vinci House, 44 Saffron Hill, London, EC1N 8FH

Manchester: WeWork, Dalton Place, 29 John Dalton Street, Manchester, M2 6FW

t: 020 3640 8508 | w: [iceniprojects.com](https://www.iceniprojects.com) | e: mail@iceniprojects.com

linkedin: [linkedin.com/company/iceni-projects](https://www.linkedin.com/company/iceni-projects) | twitter: [@iceniprojects](https://twitter.com/iceniprojects)

ICENI PROJECTS LIMITED
ON BEHALF OF HISTORIC
ENVIRONMENT SCOTLAND

NOTICE OF REVIEW SUPPORTING
STATEMENT

CONTENTS

1.	INTRODUCTION	1
2.	BACKGROUND	2
3.	PLANNING POLICY CONTEXT & ANALYSIS	4
2.	REASON FOR REVIEW	8
5.	CONCLUSION	12

1. INTRODUCTION

1.1 This Notice of Review relates to the City of Edinburgh Council's (CEC) decision to refuse planning permission for a change of use from residential (Class 9) to short term let (Sui Generis) (in retrospect) at 1 Duke's Walk, Edinburgh, EH8 7AT.

1.2 On behalf of the applicant – Historic Environment Scotland (HES) – the application was submitted to CEC on 23rd June 2023 and validated on 3rd July 2023 (ref: 23/02733/FULSTL).

1.3 Planning permission was refused, by local delegated decision, on 27th September 2023.

1.4 A single reason for refusal was provided, namely:

Contrary to National Planning Framework 4 Policy 30(e) in respect of Loss of Residential Accommodation. The loss of a residential property has not been justified.

1.5 This Statement presents the reasons why HES seek a review of this decision by the Local Review Body.

1.6 This Statement should be read in association with the documentation submitted as part of the original application, the associated Report of Handling and Decision Notice (a document list has been provided).

1.7 The remainder of this statement will address the following:

Section 2: Background

Section 3: Planning Policy Context & Analysis

Section 4: Reason for Review

Section 5: Conclusion.

2. BACKGROUND

2.1 To provide further background for this proposal, this section presents details on the Site and Surroundings and the context for HES seeking planning permission for the proposed use of Meadowbank Lodge as a Short-Term Let.

Site and Surroundings

2.2 Meadowbank Lodge is a historic 'Gatekeepers Lodge' located at the north-east entrance to Holyrood Park on Duke's Walk, Meadowbank.

2.3 Dating from 1858, Meadowbank Lodge was constructed as part of Prince Albert's wider landscaping plans for Holyrood Park and came into the care of the Crown Estate in 1859.

2.4 It is one of two near-identical lodge properties within the park – the other being Duddingston Lodge, located on Old Church Lane at the Park's south-eastern entrance.

2.5 Duddingston Lodge is subject to a separate Notice of Review relating to its proposed change of use from residential (Class 9) to short-term let (Sui Generis).

2.6 The lodges are owned by Scottish Ministers, having been disposed to the Secretary of State for Scotland (now Scottish Ministers) by the Crown Estate in 1999. The lodges have therefore been in 'public ownership' for 164 years and are now managed under a scheme of delegation by HES on behalf of the Scottish Ministers.

2.7 Meadowbank Lodge is a Category-C listed building. It lies within the Palace of Holyrood House Garden & Designed Landscape. It is adjacent to the Holyrood Park Scheduled Monument. It is not located within or adjacent to a conservation area.

2.8 It is a detached, 2-bedroom property set within private grounds. The lodge is accessed via a private entrance to a driveway with space for two cars. The property has a private garden area and is enclosed by a well-established area of trees and small boundary wall, which provide effective screening.

2.9 The nearest residential properties are located over 40m to the north-east on Queen's Park Avenue and are separated from the property by the road carriageway.

2.10 The site is accessible by both public transport and active travel modes. It is within short walking distance of some of the city's most notable tourist attractions including Edinburgh's Old Town, Holyrood Park/Arthur's Seat, the Scottish Parliament and the Palace of Holyrood House.

The Proposed Use

- 2.11 Meadowbank Lodge has been operating as a short-term holiday let since August 2021.
- 2.12 Planning permission is sought for the change of use of the property from residential to short term let (in retrospect). No internal or external building alterations are required to facilitate the change of use.
- 2.13 Though we understand the lawful use to be residential, Meadowbank Lodge has never been in formal or permanent residential use. Over the years it has been used intermittently by HES staff who held residence as a part of a colleague keykeeper package associated to their employment within the organisation.
- 2.14 Prior to its internal refurbishment in 2021 the property lay vacant and unused for at least 8 years.
- 2.15 The refurbishment works were undertaken with the specific purpose of making the property suitable for short-term holiday let as a means of generating income to support HES's wide range of tourism and visitor initiatives and to secure a viable future use for a publicly owned historic property.
- 2.16 The proposals for Meadowbank Lodge form part of a wider HES strategy, aimed at creating a portfolio of short-term holiday let properties within their care. The business case for repurposing some of HES'S vacant properties into Holiday Lets was approved by Scottish Ministers in 2019.
- 2.17 The strategy has proved very successful, turning vacant deteriorating properties into profitable ventures with all profit being reinvested into Scotland's historic environment whilst addressing HES's duty of care to those properties within their custodianship.

Summary

- 2.18 Given the historic nature and location of Meadowbank Lodge, allied to its public ownership and the basis for seeking a change of use to short-term let – the characteristics of this proposal are unique and, clearly, there are significant differences between this and more typical short-term let proposals within the city.
- 2.19 It is considered that the specifics of this individual case support the grant of planning permission, we provide detailed justification for this within Section 4 of this statement.

3. PLANNING POLICY CONTEXT & ANALYSIS

3.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) states that:

“Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise, to be made in accordance with that plan.”

3.2 The Development Plan comprises the National Planning Framework 4 (NPF4) (2023) and the adopted Edinburgh Local Development Plan (LDP) (2016).

3.3 The key material consideration in this case is CEC’s non-statutory 'Guidance for Businesses' (2023).

3.4 This section provides a brief summary overview of relevant planning policies and guidance before highlighting CEC’s conclusion in relation to each.

National Planning Framework 4 (2023)

3.5 As identified by the officer’s Report of Handling the following NPF4 policies are relevant:

3.6 **NPF4 Policy 1 (Sustainable Places)** seeks to encourage, promote and facilitate development that addresses the global climate emergency and nature crises.

3.7 The Report of Handling confirms that *the proposals do not involve operational development and therefore, will have a negligible impact on the global climate and nature crisis.*

3.8 The proposal is in compliance with NPF4 Policy 1.

3.9 **NPF4 Policy 7 (Historic Assets and Places)** seeks to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

3.10 The Report of Handling confirms that *there are no external or internal works proposed and as such there will not be a significant impact on historic assets and places.*

3.11 The proposal is in compliance with NPF4 Policy 7.

3.12 **NPF4 Policy 30 (Tourism)** seeks to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with net zero and nature commitments, and inspires people to visit Scotland.

3.13 Part e) of Policy 30 specifically relates to short-term let proposals, 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.'

3.14 The Report of Handling confirms that *the use of the property for STL purposes is considered acceptable with regard to neighbouring amenity and the character of the area.*

3.15 The proposal is in compliance with NPF4 Policy 30(e) part (i).

3.16 The Report of Handling states that *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.*

3.17 The officer concluded that the proposal does not comply with NPF4 Policy 30(e) part (ii) and, on this basis, planning permission was refused.

Edinburgh Local Development Plan (2016)

3.18 As identified by the officer's Report of Handling the following LDP policies are relevant:

3.19 **Policy Hou 7 (Inappropriate Uses in Residential Areas)** states that developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted.

3.20 The Report of Handling confirms that *although located within a primarily residential area, the application property has its own main door and vehicle access and is situated within Holyrood Park. Considerable separation distance (approximately 40m) exists between the property and the nearest residential units (tenement buildings along Queen's Park Avenue). These factors help to reduce the potential impact of the proposed STL use on local residential amenity. The use of the property for STL purposes is therefore considered acceptable with regard to neighbouring amenity and the character of the area.*

3.21 The Proposal is in compliance with LDP Policy Hou 7.

-
- 3.22 **Policy Tra 2 (Private Car Parking)** states that planning permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels set out in Council guidance.
- 3.23 **Policy Tra 3 (Private Cycle Parking)** states that planning permission will be granted for development where proposed cycle parking and storage provision complies with the standards set out in Council guidance.
- 3.24 The Report of Handling confirms that *there are no parking requirements for STLs. Cycles could be parked inside the property.*
- 3.25 The proposal is in compliance with LDP Policy Tra 2 and Policy Tra 3.

CEC Guidance for Businesses (April 2023)

- 3.26 CEC's Guidance for Businesses (April 2023) provides advice around changing residential property to short term lets and identifies assessment criteria for considering their likely impact on neighbouring residential properties. The purpose is to assist in the interpretation of LDP Policy Hou 7.
- 3.27 Any such assessment should have regard to four criteria, namely:
- 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.
 - The nature and character of any services provided.
- 3.28 As highlighted above, the Report of Handling confirms that *the use of the property for STL purposes is considered acceptable with regard to neighbouring amenity and the character of the area.*
- 3.29 The proposal is in compliance with LDP Policy Hou 7 and therefore has demonstrated its acceptability in relation to CEC's Guidance for Businesses assessment criteria.

Summary

- 3.30 This section has identified the key planning policy provisions and material consideration of relevance to this proposal and noted CEC's associated conclusions.
- 3.31 CEC has accepted that the proposal complies with all relevant planning policies and guidance with the exception of NPF 4 30(e) part (ii) which relates to the loss of residential accommodation.

3.32 On this basis CEC decided to refuse planning permission.

3.33 HES disagrees with this conclusion which, it is submitted, does not reflect the specific and unique characteristics of this proposal. Further analysis and the applicant's detailed response to CEC's reason for refusal is provided within the following section.

2. REASON FOR REVIEW

4.1 In refusing planning permission a single reason for refusal was provided:

The proposal is contrary to National Planning Framework Policy 30(e) in respect of Loss of Residential Accommodation. The loss of a residential property has not been justified.

4.2 The Report of Handling states *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.*

4.3 The applicant would respond as follows:

Loss of Residential Accommodation

4.4 We would reiterate that Meadowbank Lodge has never been in formal or permanent residential use.

4.5 As Meadowbank Lodge has been in public ownership for 164 years – under the care of the Crown Estate between 1859-1999 and the Scottish Ministers between 1999-2023 – it has never been available or used to provide private residential accommodation

4.6 In the past it has been used intermittently as a temporary residence by HES staff however, in the main, the property has lain vacant for extended periods.

4.7 Meadowbank Lodge has been in use as a short-term holiday let since August 2021

4.8 Prior to internal refurbishment works in 2021 (undertaken to facilitate its use as a Short-Term Let) Meadowbank Lodge remained vacant and unused for at least 8 years.

4.9 A fundamental element of HES's core business and remit is to generate income from the wide range of historic and tourism assets which fall under their custodianship and management.

4.10 The Meadowbank Lodge proposals form part of a wider HES strategy, approved by Scottish Ministers in 2019, aimed at repurposing a number of vacant properties within their care to create a portfolio of short-term holiday lets.

4.11 The strategy has proved very successful, turning vacant, deteriorating properties into profitable ventures, with all profit being reinvested into Scotland's historic environment whilst addressing HES's duty of care to those properties within their custodianship.

-
- 4.12 In short, the proposal will not result in the loss of any existing residential accommodation.
- 4.13 Neither is there any prospect of Meadowbank Lodge being made available as residential accommodation in the foreseeable future – this does not form part of HES’s approved strategy. Scottish Ministers have granted HES no jurisdiction or remit to sell or rent a publicly owned property to provide residential accommodation.
- 4.14 In the event that planning permission is not granted, the property will cease to operate as a short-term let and will again become vacant.

Local Economic Benefits

- 4.15 Meadowbank Lodge’s continued use as a short term holiday let will deliver a range of direct and indirect local economic benefits.
- 4.16 The property’s use as a short-term holiday let already generates significant local spending by overnight visitors residing at the premises. The unique character, location and attractiveness of the Meadowbank Lodge means it is highly sought after by visitors to Edinburgh – encouraging them to stay and spend in the local area.
- 4.17 Promoting overnight stays by visitors is vital to the local economy. According to Visit Scotland, turning a day visit into an overnight stay increases local visitor spend by over 80%.
- 4.18 Visit Scotland’s summary of Scotland’s overnight tourism performance in Q2 2023 (April - June) indicates that average spend per head on an overnight trip in Scotland was £260.
- 4.19 Meadowbank Lodge can accommodate up to 6 guests per night. Using Visit Scotland’s ‘average spend per head’ figure of £260 as a gauge, it is clear the proposal is delivering and will continue to deliver significant local economic benefit in terms of visitor spending.
- 4.20 The proposal also generates local employment. The accompanying letter from Stephen Duncan of HES confirms that the letting of Meadowbank Lodge contributes around £36,000 per year associated to the employment of housekeepers, gardeners, and cleaners. As such, the proposal directly supports and helps sustain the local workforce.
- 4.21 As highlighted, the proposal forms part of a wider strategy of turning vacant, deteriorating properties under the management of HES into profitable ventures. All profits are reinvested into Scotland’s historic environment - supporting HES’s duty of care to Scotland’s historic assets and a wide range of tourism and visitor initiatives.

4.22 In terms of quantifying profits from the proposal, the accompanying letter from Stephen Duncan at HES advises that *'Meadowbank Lodge has generated a profit of £51,000 since launch in August 2021. In addition, it has effectively saved the taxpayer £72,000 in expenses related to maintenance, upkeep, and council tax over its two years as a holiday let property. This combined achievement results in a Net Present Value (NPV) of £123,000 during its two-year letting period'*.

4.23 These monies are invested in a number of ways, all of which support the local economy:

Revenue generated is reinvested in the upkeep of Meadowbank Lodge, a prominent Category-C listed building which makes an important contribution to the historic setting and character of Holyrood Park – a Scheduled Ancient Monument of national importance as a unique historic landscape and a major visitor attraction in its own right.

Revenue generated is reinvested in HES's management and upkeep of Holyrood Park – this includes funding ongoing conservation work, essential maintenance to footpaths etc and HES's Ranger Service which provides guided walks and group tours for the many thousands of visitors to Holyrood Park each year.

Revenue generated helps fund HES's wider investment programme which, in turn, facilitates building repairs, archaeological work and the conservation of heritage assets across Edinburgh. These assets underpin Edinburgh's status as a major tourist destination – a key driver of the local economy.

4.24 The Report of Handling notes that 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).

4.25 The Economic Report concludes that there are positive economic impacts from the use of properties for both residential use and short-term let use 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."*

4.26 The Economic Report acknowledges that its conclusions are based on several assumptions, primarily around occupancy rates for STL properties in Edinburgh. The Report of Handling confirms that the Economic Report *"considers generalities in its assessment and doesn't consider the specifics of an individual case, only limited weight can be attached to it as a material consideration when making a planning application."*

4.27 In this instance, the Economic Report's conclusions appear to have been applied to this proposal on a general basis without detailed consideration of the specific detail of the case.

4.28 For the reasons presented, taking account of the unique characteristics of this case, it is submitted that the local economic benefits generated by the proposal outweigh any perceived loss of residential accommodation associated to the proposed change of use.

5. CONCLUSION

- 5.1 This Notice of Review relates to the decision of the City of Edinburgh Council to refuse retrospective planning permission for a change of use from residential (Class 9) to short term let (Sui Generis) at Meadowbank Lodge, 1 Duke's Walk, Edinburgh (23/02733/FULSTL).
- 5.2 This Statement presents the applicant's reason for seeking a review by the Local Review Body and the case in support of granting planning permission.
- 5.3 Upon assessment, CEC concluded the loss of the residential accommodation was not outweighed by demonstrable local economic benefits arising from Meadowbank Lodge's use as a short-term holiday let.
- 5.4 On that basis, planning permission was refused for a single reason:
- The proposal is contrary to National Planning Framework 4 Policy 30(e) in respect of Loss of Residential Accommodation. The loss of a residential property has not been justified.*
- 5.5 While the lawful use of Meadowbank Lodge is understood to be residential, this statement has demonstrated that the proposal would not result in the loss of existing, or indeed future, residential accommodation.
- 5.6 In any event, it is submitted that the local economic benefits generated by the proposal outweigh any perceived loss of residential accommodation as a result of the proposed change of use.
- 5.7 As presented, given the unique characteristics of this case, the local economic benefits generated by this proposal are significant and wide ranging. They are considered atypical of a more traditional short-term let property in Edinburgh and greater than those associated to residential use.
- 5.8 The proposal has been shown to comply with all other development plan policies, most notably the proposed use is considered acceptable with regards to neighbouring amenity and the character of the area.
- 5.9 Overall, it is considered that the proposed development complies with the development plan and there are no material considerations that would outweigh this conclusion.
- 5.10 For the reasons presented, we would respectfully request that planning permission is granted.

Notice of Review - Documents List

1 Duke's Walk, Edinburgh, EH8 7AT

Retrospective Change of Use from Residential (Class 9) to Short-Term Let (Sui Generis)

1. Completed Notice of Review Form
2. Notice of Review – Supporting Statement

All additional documents submitted are listed in the table below

1. Planning Application Documents	
Reference	Document Title
HES 1.1	Planning Permission Application Form (submitted 23 rd June 2023)
HES 1.2	Supporting Statement (submitted 23 rd June 2023)
HES 1.3	Location Plan (submitted 23 rd June 2023)
HES 1.4	Floor Plans (submitted 23 rd June 2023)
2. Additional Information submitted during Determination	
Reference	Document Title
WE 2.1	Email correspondence with case officer (28 th July-25 th Aug 2023)
WE 2.2	Further Submission by Applicant (30 th Sept 2023)
WE 2.3	Letter from Stephen A Duncan (Historic Scotland) 13th November 2023
3. Decision	
Reference	Document Title
HES 3.1	Decision Notice (27 th September 2023)
HES 3.2	Report of Handling (27 th September 2023)



Stephen A Duncan
Director of Marketing and Engagement
Historic Environment Scotland
Longmore House
Salisbury Place
Edinburgh
EH9 1SH

For the attention of Edinburgh Council Planning Dept
Via ePlanning

CC: ChiefExecutive@hes.scot

stephen.duncan@hes.scot

T: +44 (0) 131 668 8781

13th November 2023

Dear Sir/Madam,

Short Term Letting of Holyrood Park Lodges – Planning Application Appeal Statement

I am writing to address the two reasons for the refusal of planning permission to Duddingston Lodge and Meadowbank Lodge, both of which fall within the boundaries of Holyrood Park. The properties are owned by Scottish Ministers and managed under a scheme of delegation by Historic Environment Scotland.

The planning applications were refused on two grounds:

1. The proposal is contrary to National Planning Framework 4 Policy 30(e) part (ii) in respect of Loss of Residential Accommodation. The loss of a residential property has not been justified.

I would like to clarify that the lodges in Holyrood Park have never been used as Residential Properties, with the exception of a small number of HES staff who held residence as a part of a colleague keykeeper package. It is important to note that access to this package, and thereby continued residence at the relevant properties, was contingent on the continued employment of the beneficiaries within the organisation. Prior to their redevelopment, both properties lay vacant for over five years. Our current policy regarding the limited number of staff tenancies is not to renew leases following their expiry, and HES does not intend to provide the service of a social housing landlord. In this respect, the use of either property for Short-Term Lets (STL) does not represent a loss of residential property.

A major part of HES's core business is to generate income from our wide range of tourism and visitor initiatives. Profits are applied to manage and improve our estate and the wider historic



environment. The addition of a limited number of premium STL properties to our portfolio is intended to complement the offer made to our existing audiences, and drive income to support our estate and benefit the local economy.

The refusal of planning permission for Meadowbank Lodge further stated:

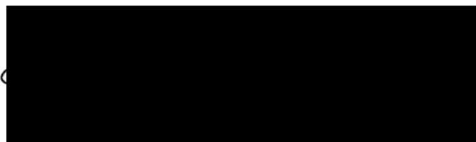
- 2. "It is also stated that any profit generated through this use [STL] would be reinvested in the upkeep of the property itself and in the wider management of Holyrood Park. Revenue will also support Historic Environment Scotland's wider investment program to the benefit of Scotland's tourist sector. No reference is made to the specific income generated from the STL use of this property".*

Meadowbank Lodge has generated a profit of £51,000 since launch in August 2021. In addition, it has effectively saved the taxpayer £72,000 in expenses related to maintenance, upkeep, and council tax over its two years as a holiday let property. This combined achievement results in a Net Present Value (NPV) of £123,000 during its two-year letting period. Income is reinvested in the historic environment, supporting our Properties in Care and the Holyrood Park Rangers, among other services.


Regarding its impact on the local economy, the letting of Meadowbank and Duddingston Lodges collectively contributes around £36,000 per cottage per year in local employment opportunities. This financial input is channelled into roles such as housekeepers, gardeners, and cleaners, thereby actively supporting and sustaining the local workforce.

Therefore, we would ask that you reconsider your decision to refuse the planning permission in respect of Duddingston Lodge and Meadowbank Lodge.

Regards,



STEPHEN A DUNCAN



Good afternoon Jack,

Yes I can confirm that would be fine. I look forward to receiving the further information.

Kind regards,

Sean Christie

Assistant Planning Officer

Planning & Building Standards | Sustainable Development | Place Directorate | The City of Edinburgh Council |
Waverley Court, Level G:2, 4 East Market Street, Edinburgh, EH8 8BG |
Sean.Christie@edinburgh.gov.uk | www.edinburgh.gov.uk



Good morning Sean,

I hope you are well.

We are currently liaising with the client on this and are aiming to have a response back to you during the early part of next week.

Are you happy to confirm that an extension of time would be acceptable on this basis?

Kind regards,

Jack

Jack Miller

Assistant Planner, Planning

telephone: 0131 370 3486

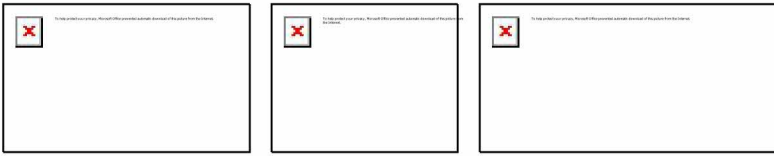
mobile: 07823 457 323

email: jmiller@iceniprojects.com

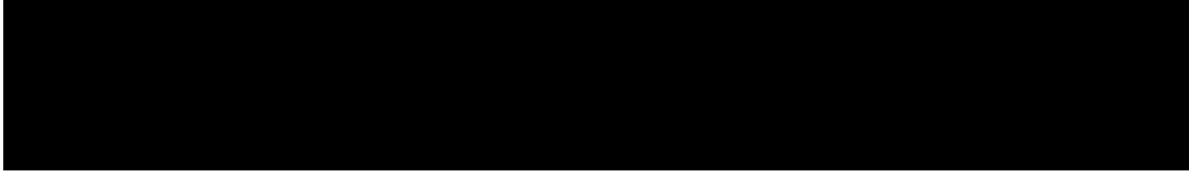


Find Us : [Birmingham](#) | [Edinburgh](#) | [Glasgow](#) | [London](#) | [Manchester](#)

Follow us on : [Instagram](#) | [LinkedIn](#) | [Twitter](#) | [Vimeo](#) | [Ian's Blog](#)



The information transmitted, including attachments, is intended only for the person(s) or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error please contact the sender and destroy any copies of this information.



Good morning Jack,

Thank you for your response.

You are welcome to provide further information relating to any demonstrable local economic benefits associated with the STL use of the property. I am happy to hold off on a decision notice until I have received this and assessed accordingly.

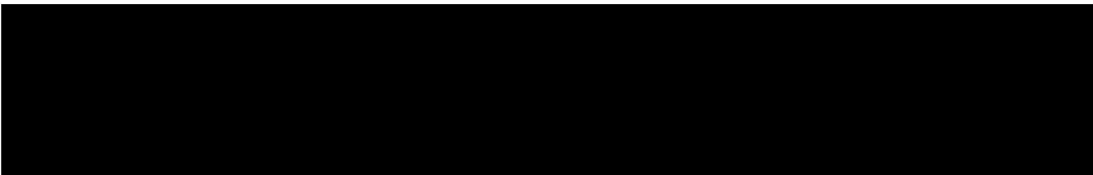
If this information can be provided by early next week and uploaded to the portal via ePlanning that would be much appreciated. I will send a separate email requesting an extension of time to ensure an appropriate timescale to assess the application.

Kind regards,

Sean Christie

Assistant Planning Officer

Planning & Building Standards | Sustainable Development | Place Directorate | The City of Edinburgh Council | Waverley Court, Level G:2, 4 East Market Street, Edinburgh, EH8 8BG | Sean.Christie@edinburgh.gov.uk | www.edinburgh.gov.uk



Good afternoon Sean,

Thanks for your email – appreciate that you were on annual leave.

We have recently had a similar application for a near identical property and proposal refused at 32 Old Church Lane, Duddingston (Ref: 23/02726/FULSTL).

This application was refused for the same reason, that the loss of residential accommodation was not justified as we had not displayed how this would be outweighed by 'demonstrable local economic benefits'.

It is our view that your assessment fails to take account of the unique ownership situation of the properties in question.

Both properties are owned by HES. It is intended that funds generated from their use as STL properties (which would likely exceed the income generated by their use as private rented accommodation) would be reinvested in the maintenance of properties and land under the stewardship of HES.

This would include, but not be limited to, the two properties in question, as well as the surrounding Holyrood Park whose management is overseen by HES on behalf of Scottish Ministers.

Prior to the determination of the application, we would be in a position to provide evidence that income generated from the proposed development would be reinvested in heritage and parkland assets in the immediate area, which would demonstrate full compliance with NPF4 Policy 30 e) (ii) as income would be reinvested locally.

Feel free to give me a quick call to discuss if this would assist with outlining our position.

Kind regards,
Jack

Jack Miller
Assistant Planner, Planning

telephone: 0131 370 3486
mobile: 07823 457 323
email: jmiller@iceniprojects.com



Find Us : [Birmingham](#) | [Edinburgh](#) | [Glasgow](#) | [London](#) | [Manchester](#)

Follow us on : [Instagram](#) | [LinkedIn](#) | [Twitter](#) | [Vimeo](#) | [Ian's Blog](#)



The information transmitted, including attachments, is intended only for the person(s) or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error please contact the sender and destroy any copies of this information

From: Sean Christie <Sean.Christie@edinburgh.gov.uk>
Sent: Friday, August 18, 2023 2:55 PM
To: Jack Miller <jmiller@iceniprojects.com>
Subject: RE: Application Ref: 23/02733/FULSTL - 1 Duke's Walk, Edinburgh, EH8 7AT

Good afternoon Jack,

Thank you for getting in touch and apologies for the delayed response to your previous email.

Having assessed the application I can confirm that my position is that the proposal should be refused due to the loss of residential accommodation, as per NPF 4 Policy 30(e) part (ii). The report of handling will provide a detailed assessment. You can expect a decision notice shortly.

Kind regards,

Sean Christie

Assistant Planning Officer

Planning & Building Standards | Sustainable Development | Place Directorate | The City of Edinburgh Council |
Waverley Court, Level G:2, 4 East Market Street, Edinburgh, EH8 8BG |
Sean.Christie@edinburgh.gov.uk | www.edinburgh.gov.uk

From: Jack Miller <jmiller@iceniprojects.com>
Sent: Tuesday, August 15, 2023 1:54 PM
To: Sean Christie <Sean.Christie@edinburgh.gov.uk>
Cc: Callum Fraser <cfraser@iceniprojects.com>
Subject: RE: Application Ref: 23/02733/FULSTL - 1 Duke's Walk, Edinburgh, EH8 7AT

Good afternoon Sean,

I hope you are well.

Have you had the opportunity to consider the email below, or to read the submission package in greater detail?

I would be grateful if you are able to provide any further clarity on your position.

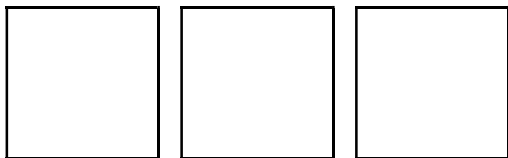
Kind regards,
Jack

Jack Miller
Assistant Planner, Planning
telephone: 0131 370 3486
mobile: 07823 457 323
email: jmiller@iceniprojects.com



Find Us : [Birmingham](#) | [Edinburgh](#) | [Glasgow](#) | [London](#) | [Manchester](#)

Follow us on : [Instagram](#) | [LinkedIn](#) | [Twitter](#) | [Vimeo](#) | [Ian's Blog](#)



The information transmitted, including attachments, is intended only for the person(s) or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error please contact the sender and destroy any copies of this information.

From: Jack Miller <jmiller@iceniprojects.com>
Sent: Tuesday, August 1, 2023 12:12 PM
To: Sean Christie <Sean.Christie@edinburgh.gov.uk>
Cc: Callum Fraser <cfraser@iceniprojects.com>
Subject: RE: Application Ref: 23/02733/FULSTL - 1 Duke's Walk, Edinburgh, EH8 7AT

Good afternoon Sean,

Thank you for your email.

While we appreciate the Council's position that short-term lets should only be permitted in limited circumstances, the STL control area does not represent a blanket ban on change of use to STL.

Under CEC and National guidance, this use remains acceptable in specific cases – the Supporting Statement submitted with the application highlights that the proposed change of use should be considered appropriate given the unique characteristics of this property and its location.

The property in question can be considered a standalone dwelling which is located c. 40m from any nearby residential properties and separated from these by a buffer of mature trees.

The proposal's impact on neighbouring amenity and the character of the wider area is therefore considered to be negligible.

The supporting statement outlines that the proposal is compliant with policy relating to reuse of existing buildings for short-term lets, as outlined in NPF4, the LDP, and the CEC Guidance for Business (2023).

As such, we consider that the unique location and characteristics of the proposal dwelling would be unlikely to set a precedent in support of future applications for change of use to short-term let.

Your response does not provide any indication as to why the proposal would be considered unacceptable – can you please confirm what the basis for this position is?

It is not clear from your response whether you have yet undertaken a detailed assessment of the proposal? If after reading our application submission in full, you would still be leaning towards refusal of the application, can we please arrange a short meeting (in person or via teams) to discuss the proposals in greater detail and hopefully we can provide further information to alleviate any specific concerns.

Please don't hesitate to contact me should you have any additional questions relating to the proposed development.

Kind regards,

Jack

Jack Miller

Assistant Planner, Planning

telephone: 0131 370 3486

mobile: 07823 457 323

email: jmiller@iceniprojects.com



Find Us : [Birmingham](#) | [Edinburgh](#) | [Glasgow](#) | [London](#) | [Manchester](#)

Follow us on : [Instagram](#) | [LinkedIn](#) | [Twitter](#) | [Vimeo](#) | [Ian's Blog](#)



The information transmitted, including attachments, is intended only for the person(s) or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error please contact the sender and destroy any copies of this information.



Good afternoon Jack,

Thank you for your email.

Yes, the portal has been offline for the past week due to a software upgrade. The period in which public reps can be made is to be extended accordingly. In terms of this application, there are currently no comments registered on the portal.

Although I am still in the process of determining the application, I can confirm that it will likely be a refusal.

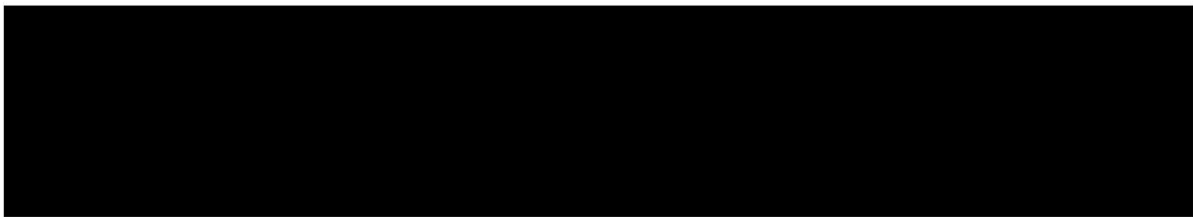
Since the establishment of the STL control area and the adoption of NPF4, there have only been limited instances where STL properties have been granted approval.

Kind regards,

Sean Christie

Assistant Planning Officer

Planning & Building Standards | Sustainable Development | Place Directorate | The City of Edinburgh Council | Waverley Court, Level G:2, 4 East Market Street, Edinburgh, EH8 8BG | Sean.Christie@edinburgh.gov.uk | www.edinburgh.gov.uk



Good afternoon Sean,

I hope you are well.

The consultation period has expired for our recent retrospective application at 1 Duke's Walk, Edinburgh (Ref: 23/02733/FULSTL) for change of use from residential (Class 9) to short term let (Sui Generis).

As the planning portal has been offline during the past week, it is our understanding that certain applications have had the period to submit comments extended.

Can you confirm if this applies to this application?

From the portal, I note that there have been no comments received in respect of the application.

Can you please confirm if this is the case and also provide any initial thoughts or comments on the application at this point.

If you have any queries regarding the application, please let me know and I will be happy to assist.

Kind regards,
Jack

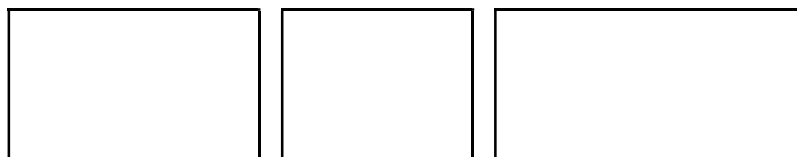
Jack Miller
Assistant Planner, Planning

telephone: 0131 370 3486
mobile: 07823 457 323
email: jmiller@iceniprojects.com



Find Us : [Birmingham](#) | [Edinburgh](#) | [Glasgow](#) | [London](#) | [Manchester](#)

Follow us on : [Instagram](#) | [LinkedIn](#) | [Twitter](#) | [Vimeo](#) | [Ian's Blog](#)



The information transmitted, including attachments, is intended only for the person(s) or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error please contact the sender and destroy any copies of this information

This email and files transmitted with it are confidential and are intended for the sole use of the individual or organisation to whom they are addressed.

If you have received this eMail in error please notify the sender immediately and delete it without using, copying, storing, forwarding or disclosing its contents to any other person.

The Council has endeavoured to scan this eMail message and attachments for computer viruses and will not be liable for any losses incurred by the recipient.

This email and files transmitted with it are confidential and are intended for the sole use of the individual or organisation to whom they are addressed.

If you have received this eMail in error please notify the sender immediately and delete it without using, copying, storing, forwarding or disclosing its contents to any other person.

The Council has endeavoured to scan this eMail message and attachments for computer viruses and will not be liable for any losses incurred by the recipient.

This email and files transmitted with it are confidential and are intended for the sole use of the individual or organisation to whom they are addressed.

If you have received this eMail in error please notify the sender immediately and delete it without using, copying, storing, forwarding or disclosing its contents to any other person.

The Council has endeavoured to scan this eMail message and attachments for computer viruses and will not be liable for any losses incurred by the recipient.

This email and files transmitted with it are confidential and are intended for the sole use of the individual or organisation to whom they are addressed.
If you have received this eMail in error please notify the sender immediately and delete it without using, copying, storing, forwarding or disclosing its contents to any other person.
The Council has endeavoured to scan this eMail message and attachments for computer viruses and will not be liable for any losses incurred by the recipient.

This email and files transmitted with it are confidential and are intended for the sole use of the individual or organisation to whom they are addressed.
If you have received this eMail in error please notify the sender immediately and delete it without using, copying, storing, forwarding or disclosing its contents to any other person.
The Council has endeavoured to scan this eMail message and attachments for computer viruses and will not be liable for any losses incurred by the recipient.

This email and files transmitted with it are confidential and are intended for the sole use of the individual or organisation to whom they are addressed.
If you have received this eMail in error please notify the sender immediately and delete it without using, copying, storing, forwarding or disclosing its contents to any other person.
The Council has endeavoured to scan this eMail message and attachments for computer viruses and will not be liable for any losses incurred by the recipient.

This email and files transmitted with it are confidential and are intended for the sole use of the individual or organisation to whom they are addressed.
If you have received this eMail in error please notify the sender immediately and delete it without using, copying, storing, forwarding or disclosing its contents to any other person.
The Council has endeavoured to scan this eMail message and attachments for computer viruses and will not be liable for any losses incurred by the recipient.

This email and files transmitted with it are confidential and are intended for the sole use of the individual or organisation to whom they are addressed.
If you have received this eMail in error please notify the sender immediately and delete it without using, copying, storing, forwarding or disclosing its contents to any other person.
The Council has endeavoured to scan this eMail message and attachments for computer viruses and will not be liable for any losses incurred by the recipient.



11 Alva Street
Edinburgh
EH2 2PH
tel: +44 (0)131 370 3486
email: info@iceniprojects.com
web: www.iceniprojects.com

Mr Sean Christie
Assistant Planning Officer
Planning & Building Standards
The City of Edinburgh Council
Waverley Court
4 East Market Street
Edinburgh, EH8 8BG

30th August 2023

23/222
BY EMAIL

Dear Sean,

APPLICATION REF: 23/02733/FULSTL

MEADOWBANK LODGE, 1 DUKE'S WALK, EDINBURGH, EH8 7AT

We write in relation to the above referenced planning application.

Further to your email to my colleague Jack Miller (23rd August) we wish to provide further information regarding the economic benefits associated to the proposed change of use of Meadowbank Lodge to a Short-Term Let (STL).

You have advised that your intention is to refuse planning permission on the basis that the loss of residential accommodation is not justified by demonstrable local economic benefits, as required by NPF 4 Policy 30(e) part (ii).

We understand this conclusion is informed by the findings of a report on the Economic Impact of Residential and Short Term Let Properties in Edinburgh (the 'Economic Report') which was commissioned by CEC Planning Service and reported to Planning Committee in June.

We note the overall conclusion of the Economic Report is that the *gross value added (GVA) effects are greater for residential uses than short-term lets across all property types and all areas.*

However, the Economic Report acknowledges this conclusion is based on '*generalities rather than the specifics of an individual case*' and only limited weight can be attached to it as a material consideration when making planning application decisions. The Economic Report notes that '*each planning application requires to be considered on its own merits*'.

Given the ownership, character and location of Meadowbank Lodge – we consider the proposal to be unique, and the specifics of this individual case support the grant of planning permission.

For context, Meadowbank Lodge is owned by Historic Environment Scotland (HES) – HES is a public body with charitable status and responsibility for the investigation, care and promotion of Scotland's historic environment. Any revenue generated by HES from this STL property will be reinvested in the management, upkeep and protection of Scotland's historic environment and assets – including listed buildings, scheduled ancient monuments and Holyrood Park itself

Meadowbank Lodge is a Category C listed building, located within the Holyrood Park Scheduled Ancient Monument and the Palace of Holyrood House Garden & Designed Landscape designations.

The property is a historic 'gatehouse' located at the Meadowbank entrance to Holyrood Park. Prior to recent refurbishment works ahead of its proposed use as a STL, Meadowbank Lodge had lain vacant for many years and was uninhabitable.

While we understand the lawful use of the property to be 'residential', Meadowbank Lodge has never been in private residential use and, as a publicly owned historic asset, will not be sold as a private residential property in the future. As a result, its use as a STL will not result in any 'loss' of GVA associated to residential use (existing or proposed).

The purpose of seeking STL permission for Meadowbank Lodge is to bring the property into active use and to ensure that the property – a significant local heritage asset – has a viable future.

Given Meadowbank Lodge's unique and special character and location, higher than average occupancy rates are anticipated which will increase the individual economic benefit of this STL proposal.

We would ask that the follow factors be taken into account:

Use as a STL will bring visitors to the local area and generate local spending. Although a 2-bedroom property, Meadowbank Lodge is configured to accommodate up to 6 guests and the property's anticipated high occupancy rates will deliver increased economic impact in comparison to an average STL property.

Revenue generated by the STL use will be reinvested in the upkeep of Meadowbank Lodge, a prominent Category C listed building which makes an important contribution to the wider setting and character of Holyrood Park – a Scheduled Ancient Monument of national importance as a unique historic landscape, and a major local tourist attraction in its own right,

Revenue generated by the STL use will be reinvested in HES's ongoing management and upkeep of Holyrood Park – including ongoing conservation work, essential maintenance to footpaths etc, and funding of HES's Ranger Service which runs guided walks, group tours and other events for the benefit of the many thousands of visitors to Holyrood Park each year who generate significant local economic benefits,

Revenue generated by the STL use will support HES's wider investment programme which, in turn, facilitates building repairs, archaeological work and the conservation of heritage assets across Edinburgh and Scotland. These assets help drive local tourism and the significant local economic benefits associated to that,

We would ask that this application be considered on its own merits, this is not a typical STL proposal.

For the reasons presented, the proposed use of Meadowbank Lodge as a STL represents a unique proposition and, as such, we do not believe the Economic Report's 'blanket' conclusion that *gross value added (GVA) effects are greater for residential uses than short-term lets across all property types and all areas* is applicable in this instance.

It is considered that the special characteristics and attractiveness of Meadowbank Lodge as a STL property will generate increased local economic impact compared to residential use due to anticipated high occupancy levels – this in itself justifies the grant of planning permission.

When the additional local economic benefits arising from HES's Investment Programme are considered it is clear the proposal draws strong support from NPF4 Policy 30(e) part (ii).

We would stress again that there is no loss of GVA associated with residential use in this instance - the property has never been in private residential use, was uninhabitable until three years ago, and as a publicly owned heritage asset will not be in private residential use in the future. If the change of

use is not granted, it is very likely that the property will once again become vacant, generating no economic value.

In accordance with NPF4 Policy 30(e) part (i) it is understood that the proposal does not raise any concerns around unacceptable impacts on local amenity or the character of the area.

Therefore, for the reasons presented, we would respectfully request that you reconsider the current position with regards this application and grant planning permission for the property's use as a Short Term Let.

Please do let us know if you have any queries or require any further information, otherwise we look forward to receiving your response.

Thank you in advance

Yours sincerely,



Callum Fraser
DIRECTOR



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 100632127-001

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

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Change of use from residential (Class 9) to short term let (Sui Generis).

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place? (Answer 'No' if there is no change of use.) * Yes No

Has the work already been started and/or completed? *

- No
- Yes – Started
- Yes - Completed

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:	Iceni Projects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Callum	Building Name:	
Last Name: *	Fraser	Building Number:	7
Telephone Number: *	07399 179 945	Address 1 (Street): *	Alva Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	United Kingdom
		Postcode: *	EH2 4PH
Email Address: *	cfraser@iceniprojects.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Longmore House
First Name: *		Building Number:	
Last Name: *		Address 1 (Street): *	Salisbury Place
Company/Organisation	Historic Environment Scotland	Address 2:	
Telephone Number: *		Town/City: *	Edinburgh
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	EH9 1SH
Fax Number:			
Email Address: *	cfraser@iceniprojects.com		

Site Address Details

Planning Authority:

City of Edinburgh Council

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

Address 1:

1 DUKE'S WALK

Address 2:

HOLYROOD

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH8 7AT

Please identify/describe the location of the site or sites

Northing

674082

Easting

327800

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

133.08

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)

Residential accommodation (Class 9). Unoccupied

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?

2

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)? *

2

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

Water Supply and Drainage Arrangements

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

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

Note:-

Please include details of SUDS arrangements on your plans

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

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

Yes

No, using a private water supply

No connection required

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

Assessment of Flood Risk

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)

Waste will be stored in the same location as for current residential use. Waste collection will be managed by operator - see Supporting Statement for more detail.

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

All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *

Not in a Use Class

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): *

133

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

Change of use from residential (Class 9) to short term let (Sui Generis).

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: Callum Fraser

On behalf of: Historic Environment Scotland

Date: 23/06/2023

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 principal where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement. *

Yes N/A

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

Supporting cover letter

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 Callum Fraser

Declaration Date: 23/06/2023



7 Alva Street
Edinburgh
EH2 2PH
tel: +44 (0)131 370 3486
email: info@iceniprojects.com
web: www.iceniprojects.com

City of Edinburgh Council
Development Management
Waverley Court
4 East Market Street
Edinburgh
EH8 8GB

23 June 2023

CF/JM – 23/222
VIA EPLANNING

Dear Sir / Madam,

**CHANGE OF USE FROM RESIDENTIAL TO SHORT TERM LET (SUI-GENERIS)
MEADOWBANK LODGE, 1 DUKE'S WALK, EDINBURGH, EH8 7AT
EPLANNING REFERENCE: 100632127-001**

We write on behalf of the applicant, Historic Environment Scotland (HES), in support of a planning application for the following description of development:

'Change of use from residential to short term let use (Sui Generis)'

The applicant is the owner of Meadowbank Lodge. The property is a detached lodge-style building which sits on Duke's Walk at the north-east entrance to Holyrood Park and is accessed from a private main door which opens onto a private driveway and garden.

Although Meadowbank Lodge already provides short term let accommodation and has done so for over two years, it is our understanding that the lawful planning use of the lodge remains residential.

The application has been submitted electronically via ePlanning (Ref: 100632127-001) along with the following supporting documents and information:

Location Plan
Floor Plan
Supporting Planning Statement (this statement)

The associated planning application fee of £1200 will be paid to City of Edinburgh Council separately under reference 100632127-001.

The Applicant

Historic Environment Scotland (HES) is the leading public body in Scotland for the investigation, care and promotion of Scotland's historic environment. HES maintains responsibility for over 300 properties of national importance, including some of Scotland's most visited attractions such as Skara Brae, Edinburgh Castle, Fort George, and numerous smaller sites, which collectively draw more than 5 million annual visitors.

As a non-departmental public body with charitable status, HES invests revenue from its operations on building repairs, ancient monuments, archaeological work and the voluntary sector, totalling over £14 million per year.

Revenues accrued from Meadowbank Lodge's use as short-term let accommodation will be similarly invested.

The Site

Meadowbank Lodge is one of two near-identical lodge properties under the ownership of HES in Holyrood Park – the other being Duddingston Lodge located to the south-east of the park on Duddingston Low Road.

Meadowbank Lodge is a detached, 2-bedroom property set within private grounds, approximately 20m from the junction of Duke's Walk and Meadowbank. The lodge is accessed via a private entrance, and also contains a private garden area and driveway.

The lodge is located over 40m from the nearest residential properties on Queen's Park Avenue (to the north-east). The site is bound to the north, east and south by areas of mature trees, while to the west there is a sizeable area of open grass which forms the northern extent of Holyrood Park.

Meadowbank Lodge is a Category-C listed building, located within the Palace of Holyrood House Garden & Designed Landscape. It is adjacent to the Holyrood Park Scheduled Monument. It is not located within or adjacent to any conservation area.

Duke's Walk operates as a through-road during Monday-Friday, providing vehicular and active travel access from Meadowbank and Jock's Lodge to Edinburgh Old Town and parts of the Southside. Duke's Walk is closed as a vehicular through-road from 08:15-17:45 on Saturdays and Sundays to reduce disruption from vehicular movements for visitors to Holyrood Park during the weekend. It should be noted however that Meadowbank Lodge retains local vehicular access during weekends.

The site is situated in a highly accessible location. The lodge is located a 5-minute walk to bus stops on London Road (A1), which provide a fast and frequent service to Edinburgh City Centre and further afield. The nearest train station is Edinburgh Waverley, which can be accessed in 15-minutes via public transport. Active travel access to the site is provided via separate pedestrian and cycle routes which run alongside Duke's Walk and Queen's Drive through Holyrood Park.

The site is within relatively short walking distance of the Edinburgh World Heritage Site and several of the city's most notable attractions including Arthur's Seat, the Scottish Parliament, the Palace of Holyroodhouse and the Royal Mile.

Legislative Context

The purpose of this application is to obtain planning permission to change the use of Meadowbank Lodge from residential to short term let accommodation.

Under the recent legislation approved by the Scottish Parliament, all existing hosts and operators must apply for a license to operate a short term let to ensure they are safe and the people providing this type of accommodation are suitable. Where the premises are within a 'short term let control area,' the host must make an application for planning permission, or already have full planning permission, before they can apply for the required licence.

The City of Edinburgh Council (CEC) has designated the entire administrative area of CEC as a Short Term Let Control Area. Scottish Ministers issued their decision granting approval for Edinburgh to become the first such area in Scotland, with this designation coming into effect from 5th September 2022.

This confirms that all proprietors seeking to use their properties within Edinburgh as a short term let require planning permission for a change of use to do so unless their property has been in use as a short term let for more than 10 years.

Short term lets are defined within the Scottish Government's Planning Circular 1/2021 (Short Term Let Control Areas) as a dwellinghouse where:

Sleeping accommodation is provided to one or more persons for one or more nights for commercial consideration.

No person to whom sleeping accommodation is provided is an immediate family member of the person by whom the accommodation is being provided.

The accommodation is not provided for the principal purpose of facilitating the provision of work or services to the person by whom the accommodation is being provided or to another member of that person's household.

The accommodation is not provided by an employer to an employee in terms of a contract of employment or for the better performance of the employee's duties, and

The accommodation is not excluded accommodation e.g., hotel or aparthotel.

The subject property satisfies the above definition. It is therefore the purpose of this planning application to formalise this position and seek planning permission for a change of use from residential to short-term let.

The Proposed Use

The proposal is for the change of use of the existing property from residential to short term let. No internal or external building alterations are required to facilitate this change of use.

Key features of the proposed use include:

Sleeps 4-6 people (two double bedrooms, with a sofa bed in the living room).

Serviced by a private drive with space for two cars.

Professionally managed as a short term let by Rettie. Rettie will organise a professional clean at the end of each tenancy.

Bin collections / refuse is on a weekly basis by ENVA.

Length of stay can vary, but since Meadowbank Lodge began providing short term let accommodation it has typically been let on a monthly basis.

There has been no history of noise complaints since the building began operating as a short term let over two years ago.

Planning Policy and Material Considerations

Section 25 of the Town and Country Planning (Scotland) Act (1997) states '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.'

Within this context the Development Plan covering the site comprises:

National Planning Framework (NPF) 4 (2023)

Edinburgh Local Development Plan (LDP) (2016)

NPF4

National Planning Framework (NPF) 4 was approved by the Scottish Parliament on 11th January 2023, before being formally adopted by Scottish Ministers on 13th February 2023. NPF4 is the national spatial

strategy for Scotland and sets out the Scottish Government's spatial principles, regional priorities, national developments and national planning policy.

The following NPF4 policy is considered to be of relevance to this application:

NPF4 Policy 30 (Tourism) seeks to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with net zero and nature commitments, and inspires people to visit Scotland.

Part e) of Policy 30 states that:

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.

The location of the site, set back from the road and over 40m from any nearby residential dwellings, ensures that there will be no notable impact on local amenity or the character of the wider area as a result of the proposed change of use. The site is accessed via a private entrance and driveway, which eliminates the potential for conflict with neighbouring residents or other visitors to the area.

Furthermore, the proposal will have positive economic benefits for the wider area, with increased visitors helping to drive local spending. Promoting overnight stays is vital to the wider visitor economy and drives sustainable tourism. Turning a day visit into an overnight stay increases local visitor spend by over 80% according to Visit Scotland¹, and the provision of additional overnight accommodation will therefore clearly support economic growth.

The unique location of Meadowbank Lodge will ensure it is highly attractive to tourists visiting Scotland, which in itself will 'inspire people to visit Scotland' in line with a key aim of Policy 30.

The proposal is therefore considered to comply with the relevant policies in NPF4.

Edinburgh Local Development Plan

The Edinburgh Local Development Plan (LDP) was adopted in 2016 and sets out the policies and proposals to guide development across Edinburgh.

The following LDP policies are applicable to this application.

Policy Hou 7 (Inappropriate Uses in Residential Areas) states that developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted.

The intention of the policy is firstly to preclude the introduction or intensification of non-residential uses incompatible with predominantly residential areas and secondly, to prevent any further deterioration in living conditions in more mixed-use areas which nevertheless have important residential functions.

The site is located on the edge of Holyrood Park, c. 40m from the nearest residential properties, and well screened by existing mature woodland. The proposed use as a short-term let will therefore have no amenity impact on the closest residential properties.

¹ <https://www.visitscotland.org/binaries/content/assets/dot-org/pdf/research-papers-2/regional-factsheets/edinburgh-and-lothians-factsheet-2019.pdf>

Furthermore, the proposed short-term let will be professionally managed to ensure that it is maintained to a high standard and that no issues arise around access or refuse collection in particular. This provides additional safeguards in relation to neighbouring amenity.

It is our view that there will be no adverse impact on residential amenity and the proposal is therefore compliant with LDP Policy Hou 7.

CEC Guidance for Business (April 2023)

The City of Edinburgh Council has issued a guidance document for business (last updated April 2023) which includes advice around changing residential property to short term lets. Although non-statutory, it assists in the interpretation of Policy Hou 7 above. The guidance contains four criteria for guidance in respect of LDP Policy Hou 7. These criteria, as outlined below, may also be of assistance in considering NPF4 Policy 30 e) (i):

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.

The nature and character of any services provided.

Proposals for a change of use will be assessed in terms of their likely impact on neighbouring residential properties. Factors which will be considered include background noise in the area, and proximity to nearby residents.

Below we outline our assessment against the relevant criteria for the proposed change of use to short term let:

The character of the new use and of the wider area

As set out above, the proposed use will have no detrimental impact on the wider area. The property is situated well away from other residential properties and is visually well contained by mature woodland. The property is professionally managed, and to all intents and purposes will operate in a similar fashion to mainstream residential accommodation (for example, refuse collection is weekly and average length of tenancies to date have been c. 1 month).

The size of the property

The property is a two bed, detached lodge-style house with its own private access, driveway, and car parking area. Occupancies are typically between 4-6 people which is considered to be appropriate for this size of house.

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

As set out above, to date tenancies have typically lasted c. 1 month, so there is an infrequent turnover of guests. Refuse collection is on a weekly basis, and professional cleaning is only carried out once at the end of each tenancy. There is space with the site envelope for two cars, which is considered to be appropriate for the maximum number of guests (typically 4-6).

The nature and character of any services provided.

The property will operate to all intents and purposes as a mainstream residential house, albeit tenancies will be shorter than those typically associated with mainstream residential.

Summary

This application for planning permission has been submitted in support of the conversion from residential use to short term let accommodation (Sui Generis) at Meadowbank Lodge, 1 Duke's Walk,

Edinburgh. The property is owned and managed by Historic Environment Scotland, who are the applicant.

This statement has demonstrated that the proposal complies with the development plan and material considerations, including the Council's Guidance for Business which outlines the requirements for conversions from residential to short term let accommodation.

We therefore respectfully request that planning permission is granted in respect of this application.

We look forward to receiving notification that the application has been registered in due course. Should you have any queries in relation to any of the attached information, please do not hesitate to contact me via tel: 0131 370 3486, or email: cfraser@iceniprojects.com.

Yours faithfully,



Callum Fraser
DIRECTOR

Iceni Projects.
FAO: Callum Fraser
7 Alva Street
Edinburgh
EH2 4PH

Historic Environment Scotland.
Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Decision date: 27 September 2023

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

Change of use from residential (Class 9) to short term let (Sui Generis) (in retrospect).
At 1 Duke's Walk Edinburgh EH8 7AT

Application No: 23/02733/FULSTL

DECISION NOTICE

With reference to your application for Planning Permission STL registered on 3 July 2023, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

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

Reason for Refusal:-

1. The proposal is contrary to National Planning Framework Policy 30(e) in respect of Loss of Residential Accommodation. The loss of a residential property has not been justified.

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

Drawings 01 - 02, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

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

The proposal complies with sections 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it does not harm the character of the listed building, its setting, or the setting of neighbouring listed buildings.

The change of use of this property to a short term let (STL) will not have an unacceptable impact on neighbouring amenity. The proposal is considered to comply with NPF4 30(e) part (i) and LDP Policy Hou 7.

However, the loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the loss of residential accommodation.

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

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

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



Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

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

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

Report of Handling

Application for Planning Permission STL
1 Duke's Walk, Edinburgh, EH8 7AT

Proposal: Change of use from residential (Class 9) to short term let (Sui Generis) (in retrospect).

Item – Local Delegated Decision
Application Number – 23/02733/FULSTL
Ward – B14 - Craigentinny/Duddingston

Recommendation

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

Summary

The proposal complies with sections 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it does not harm the character of the listed building, its setting, or the setting of neighbouring listed buildings.

The change of use of this property to a short term let (STL) will not have an unacceptable impact on neighbouring amenity. The proposal is considered to comply with NPF4 30(e) part (i) and LDP Policy Hou 7.

However, the loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the loss of residential accommodation.

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

SECTION A – Application Background

Site Description

The application property comprises a detached, two-bedroom dwelling known as Meadowbank Lodge, located within Holyrood Park. The property has private access via Duke's Walk and is bordered by woodland and open parkland.

The site is located at the northern boundary of Holyrood Park, south of the Duke's Walk/Meadowbank junction. The surrounding area is predominantly residential with limited commercial units located nearby. The nearest properties are tenement buildings on Queens Park Avenue, approximately 40m to the east.

Meadowbank Lodge is under the ownership of Historic Environment Scotland, and is one of two lodges within Holyrood Park. The other (Duddingston Lodge) is located to the south-east of the park at 32 Old Church Lane. The proposed change of use of this lodge to a short term let was refused planning permission on 16/08/23 (Planning Ref: 23/02726/FULSTL)

The application property is a Category C listed building Holyrood Park, Meadowbank Lodge, LB49513, 07/10/2003.

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 changes are proposed.

Supporting Information

- NPF4 Supporting Planning Statement
- Supporting Statement - Economic Benefit

Relevant Site History

No relevant site history.

Other Relevant Site History

No other relevant site history.

Consultation Engagement

Transport Planning

Publicity and Public Engagement

Date of Neighbour Notification: 5 July 2023

Date of Advertisement: Not Applicable

Date of Site Notice: Not Applicable

Number of Contributors: 0

Section B - Assessment

Determining Issues

Due to the proposals relating to a listed building(s), this report will first consider the proposals in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development harming the listed building or its setting?
- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

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

- Managing Change in the Historic Environment: Guidance on the principles of listed buildings
- Managing Change in the Historic Environment: Setting

Managing Change in the Historic Environment: Interim Guidance on the principles of listed building consent sets out the principles for assessing the impact of a development on a listed building.

Managing Change in the Historic Environment: Setting sets out the principles that apply to developments affecting the setting of historic assets or places including listed buildings and conservation areas. It includes factors to be considered in assessing the impact of a change on the setting.

There are no external or internal alterations proposed. As such, the proposal will not have an adverse impact on or cause harm to the listed building. The setting of the listed building and the setting of neighbouring listed buildings will be unaffected by the proposal.

Conclusion in relation to the listed building

The proposal does not harm the character of the listed building, or its setting. It is therefore acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) The proposals comply with the development plan?

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

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

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering historic assets.

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

Listed Building

There are no external or internal works proposed and as such there will not be a significant impact on historic assets and places. The proposal complies with NPF 4 Policy 7.

Proposed Use

With regards to NPF 4 Policy 1, the proposals do not involve operational development 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 application property comprises a detached dwelling located within Holyrood Park. The property has private main door and vehicle access. There is a medium to low level of activity in the immediate vicinity of the property.

The applicant's supporting planning statement asserts that there will be limited impact on local residential amenity due to the detached nature of the property and the private access arrangements.

Although located within a primarily residential area, the application property has its own main door and vehicle access and is situated within Holyrood Park. Considerable separation distance (approximately 40m) exists between the property and the nearest residential units (tenement buildings along Queen's Park Avenue). These factors help to reduce the potential impact of the proposed STL use on local residential amenity. The use of the property for STL purposes is therefore considered acceptable with regard to neighbouring amenity and the character of the area. The proposal is considered to 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 planning statement asserts that the use of the property for STL purposes would benefit local business through visitor spend and help grow the wider visitor economy. It is also stated that any profit generated through this use would be reinvested in the upkeep of the property itself and in the wider management of Holyrood Park. Revenue will also support Historic Environment Scotland's wider investment program to the benefit of Scotland's tourist sector. No reference is made to the specific income generated from the STL use of this property.

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.

However, the change of use of this property would result in a direct loss of residential accommodation, which given the recognised need and demand for housing in Edinburgh, is important to retain where appropriate.

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.

The applicant's supporting statement does state that if refused, the property will likely remain vacant due to its status as a publicly owned historic asset and therefore, will provide no economic benefit to local area. However, as previously stated, the change of use would result in the direct loss of residential accommodation and this loss is not outweighed by evidence of local economic benefit.

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

There are no parking requirements for STLs. Cycles could be parked inside the property. The proposals comply with LDP Policies Tra 2 and Tra 3.

Conclusion in relation to the Development Plan

c) 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

None.

Conclusion in relation to identified material considerations

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

Overall conclusion

The proposal complies with sections 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it does not harm the character of the listed building, its setting, or the setting of neighbouring listed buildings.

The change of use of this property to a STL will not have an unacceptable impact on neighbouring amenity. The proposal is considered to comply with NPF4 30(e) part (i) and LDP Policy Hou 7.

However, the loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the loss of residential accommodation.

The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) part (ii). 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 National Planning Framework Policy 30(e) in respect of Loss of Residential Accommodation. 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: 3 July 2023

Drawing Numbers/Scheme

01 - 02

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

NAME: Transport Planning

COMMENT: No objections

DATE: 6 July 2023

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

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: 21 September 2023

Authorising Officer

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

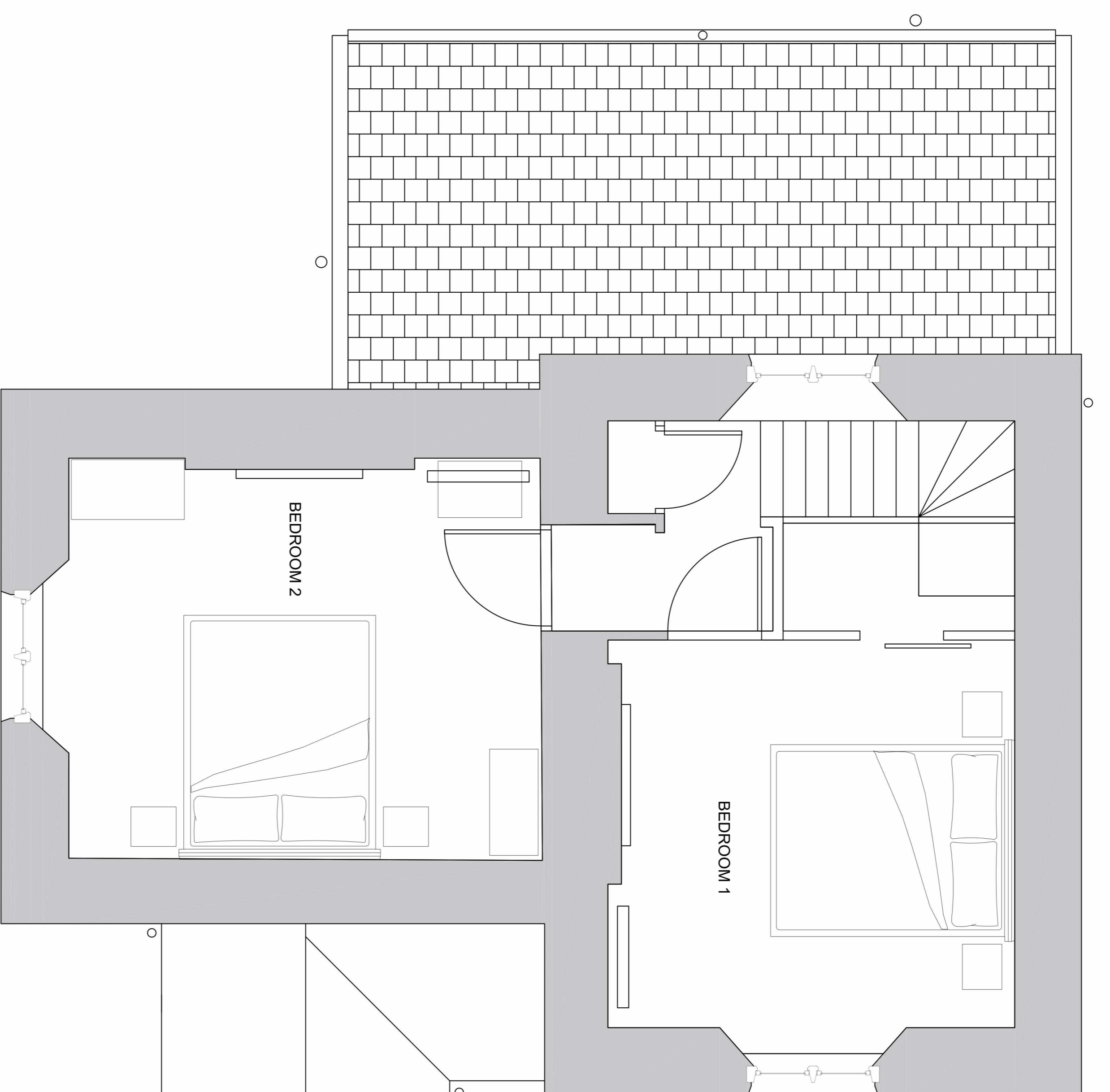
I can confirm that I have checked the Report of Handling and agree the recommendation by the case officer.

Authorising Officer (mRTPI): Damian McAfee

Date: 22 September 2023



GROUND FLOOR PLAN



FIRST FLOOR PLAN

Contains Historic Environment Scotland, Ordnance Survey and Aerial Imagery Data
 © Historic Environment Scotland © Crown Copyright and database right 2018
 Ordnance Survey 100020113 © Ordnance Survey
 Ordnance Survey Data
 You are permitted to use this data only to enable you to reproduce or present with
 the information contained or all or any of the data to third parties in any form.

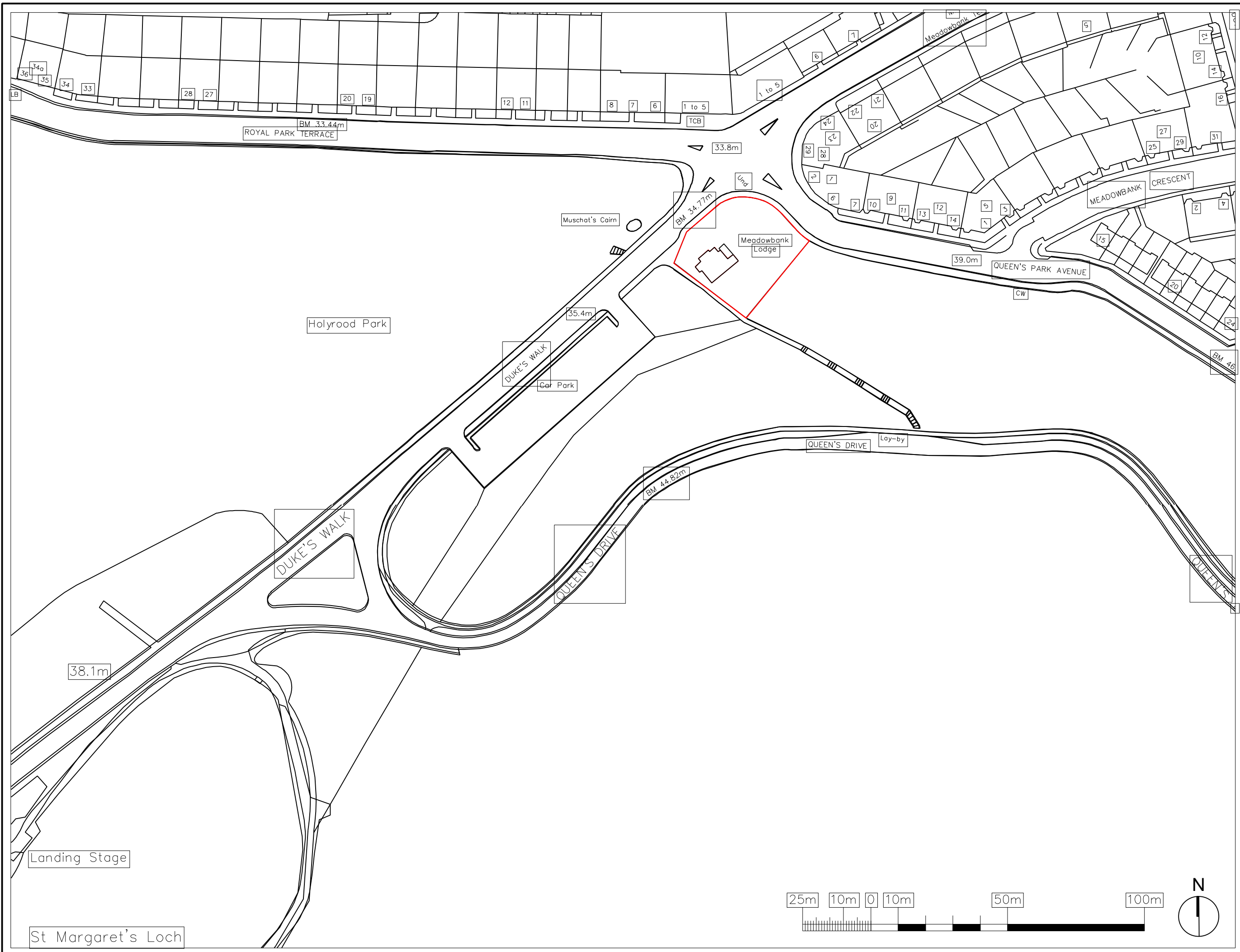
INFORMATION

MONUMENT
 Meadowbank Lodge
PROJECT
 Holyrood Park Lodges - Holiday Lets



PROJECT DRAWING NUMBER	MB-SK-01
SCALE	1:30 @ A1
DATE	02/04/24
PROJECT	CM
DRAWN BY	JC
PROJECT NUMBER	TBC





Contains Historic Environment Scotland, Ordnance Survey and Aerial Imagery Data
 © Historic Environment Scotland © Crown copyright and database rights 2019
 Ordnance Survey (100057072) © Getmapping

Ordnance Survey Data
 You are permitted to use this data solely to enable you to respond to, or interact with,
 the organisation that provided you with the data. You are not permitted to copy,
 sub-licence, distribute or sell any of this data to third parties in any form.

INFORMATION

MONUMENT	Meadowbank Lodge
PROJECT	Holyrood Park Lodges - Holiday Lets Site Plan



PROJECT DRAWING NUMBER	MB-SK-01	
SCALE	1:1250 @ A3	ARCHITECT CM
DATE		DRAWN BY JC
PROJECT NUMBER	TBC	