

Mrs Petrucci. Outer Blair Farm Stoneykirk Stranraer DG9 9BE

Decision date: 3 October 2023

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

Change of use from residential to short term let (in retrospect). At 31 London Street Edinburgh EH3 6LY

Application No: 23/03896/FULSTL

DECISION NOTICE

With reference to your application for Planning Permission STL registered on 1 September 2023, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

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

Reason for Refusal:-

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this dwelling as a short term let will have a materially detrimental effect on the living conditions and amenity of nearby residents.

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

Please see the guidance notes on our <u>decision page</u> for further information, including how to appeal or review your decision.

Drawings 01 - 02 A, represent the determined scheme. Full details of the application can be found on the <u>Planning and Building Standards Online Services</u>

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

The change of use of this property to a Short Term Let (STL) will have an adverse impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of tourist accommodation in this case it does not outweigh the adverse impact on residential amenity or the loss of residential accommodation.

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

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 Benny Buckle directly at benny.buckle@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 31 London Street, Edinburgh, EH3 6LY

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

Item – Local Delegated Decision Application Number – 23/03896/FULSTL Ward – B11 - City Centre

Recommendation

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

Summary

The change of use of this property to a Short Term Let (STL) will have an adverse impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of tourist accommodation in this case it does not outweigh the adverse impact on residential amenity or the loss of residential accommodation.

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

SECTION A – Application Background

Site Description

The proposed property is a three-bedroom, lower ground and ground floor flat, situated in a three-storey, basement and attic traditional terrace at 31 London Street. The immediate area is predominantly residential. The property is accessed via a private ground floor front door.

The flat is situated within a category 'A' listed building (LB29260) designated on the 22/04/1965.

The site is located within the New Town Conservation Area and the Edinburgh World Heritage Site

Description of The Proposal

The proposal is for the change of use from residential to short term let (in retrospect).

Supporting Information

Site Photos

Planning Statement

Relevant Site History

No relevant site history.

Other Relevant Site History

No further relevant site history.

Consultation Engagement

Historic Environment Scotland

Publicity and Public Engagement

Date of Neighbour Notification: 3 October 2023 Date of Advertisement: 8 September 2023 Date of Site Notice: 8 September 2023 Number of Contributors: 1

Section B - Assessment

Determining Issues

Due to the proposed development falling within a conservation area, this report will first consider the proposals in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

• Is there a strong presumption against granting planning permission due to the development conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?

• If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

a) The proposals harm the 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 harm the character or appearance of the conservation area?

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The New Town Conservation area character appraisal states "the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions."

There are no external alterations. The change of use from a residential premises to a short term let will not have any material impact on the character of the conservation area. The change of use would preserve the appearance of the conservation area.

Conclusion in relation to the conservation area

The proposals comply with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

c) The proposals comply with the development plan?

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

The relevant NPF4 and LDP 2016 policies to be considered are:

- NPF4 Sustainable Places Tackling the climate and nature crises Policy 1.
- NPF4 Productive Places Tourism Policy 30.
- NPF4 Historic Assets and Places Policy 7.
- Local Development Plan Housing Policy, Hou 7.
- Local Development Plan Transport Policies, Tra 2 and Tra 3

The non-statutory Listed Building and Conservation Area Guidance is a material consideration when considering NPF 4 Policy 7.

The non-statutory Guidance for Business (April 2023) is a material consideration that is relevant when considering LDP Policy Hou 7 and the Edinburgh Design Guidance is a material consideration when considering LDP Policies Tra 2 and Tra 3.

Listed Buildings, Conservation Area and Edinburgh World Heritage Site

Historic Environment Scotland were consulted as the building is category A listed and made no comment on the proposals. The impact on the setting of the listed building and on the setting of neighbouring listed buildings has been assessed in section a) above which concluded that this would be preserved.

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 proposed change of use does not involve operational development resulting in physical changes to the property. The proposals will have a negligible impact on the global climate and nature crisis.

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

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

The non-statutory Guidance for Businesses (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.

The applicant's supporting statement cites planning cases where permission has been granted. A number of these cases pre-date the adoption of NPF4, with the context to these applications being different to this current application. Notwithstanding the outcome of these cases, each application is assessed on individual merit.

Amenity

The property is situated in an area that is residential in character. Access to the dwelling is via a private ground floor front door, with the properties in immediate proximity all in residential use.

The use as a short term let would allow visitors to come and go from the premises for inconsistent periods of time on a regular basis throughout the year in a manner dissimilar to that of a permanent resident. A transient visitor may also have less regard for neighbours' amenity than individuals using the property as a principal home. The use as a short term let is not consistent with the existing neighbouring residential uses.

A change of use would increase the level of ambient background noise beyond what is reasonably expected by neighbouring residents and will have a significant detrimental effect on the living conditions and amenity of nearby residents. The proposal does not comply with NPF 4 policy 30(e) part (i) and LDP policy Hou 7.

Loss of residential accommodation

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

The planning statement received in support of the application commented that short term let users are more likely than permanent residents to eat out and shop locally directly contributing to the local economy. It furthers states that the short term let use would employ a variety of maintenance staff on a regular basis supporting local employment.

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

The proposed change of use to an STL would result in a loss of residential accommodation. As there is a recognised need and demand for housing in Edinburgh, it is critical to retain the existing supply where appropriate.

It is important to recognise that having the property within residential use also contributes to the economy, using local services and fulfilling employment opportunities across the City. Long term residents can also make consistent and long-term contributions to the local community.

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

Parking Standards

Zero parking is acceptable as 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

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

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

The following material planning considerations have been identified:

Emerging policy context

City Plan 2030 represents the settled will of the Council, and it has been submitted to Scottish Ministers for examination. As such, limited weight can be attached to it as a material consideration in the determination of this application.

Independent economic impact assessment

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

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

Equalities and human rights

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

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

Public representations

The application received one objection.

A summary of the representations is provided below:

material considerations in objection

• Concern that a change of use would have a negative effect of the neighbouring residential amenity. This has been discussed within section c).

Conclusion in relation to identified material considerations

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

Overall conclusion

The change of use of this property to a short term let will have an adverse impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the City as a whole

from the provision of tourist accommodation in this case it does not outweigh the adverse impact on residential amenity or the loss of residential accommodation.

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

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reason for Refusal

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this dwelling as a short term let will have a materially detrimental effect on the living conditions and amenity of nearby residents.

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

Background Reading/External References

To view details of the application go to the Planning Portal

Further Information - Local Development Plan

Date Registered: 1 September 2023

Drawing Numbers/Scheme

01 - 02 A

Scheme 1

David Givan Chief Planning Officer PLACE The City of Edinburgh Council Contact: Benny Buckle, Assistant Planning Officer E-mail:benny.buckle@edinburgh.gov.uk Appendix 1

Consultations

NAME: Historic Environment Scotland COMMENT: No comment. DATE:

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

Appendix 2

Application Certification Record

Case Officer

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

Case Officer: Benny Buckle

Date: 2 October 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: 3 October 2023

Comments for Planning Application 23/03896/FULSTL

Application Summary

Application Number: 23/03896/FULSTL Address: 31 London Street Edinburgh EH3 6LY Proposal: Change of use from residential to short term let (in retrospect). Case Officer: Improvement Team

Customer Details

Name: Mr Jetin Vithal Address: 33/1 London Street Edinburgh

Comment Details

Commenter Type: Neighbour Stance: Customer objects to the Planning Application Comment Reasons: Comment:There are already a number of short let properties in my building and in the area, resulting in a lot of noise, especially late at night. The occupiers of short term lets don't respect neighbours and are noisy, have parties at night and leave communal stairways dirty.

This is extremely disruptive to families that actually live in the area.

From:	<u>Planning</u>
То:	Planning Improvement
Subject:	FW: Objecting to STL application 23/03896/FULSTL
Date:	19 October 2023 13:47:30
Attachments:	external.png

From: Leona Crancher
Sent: Thursday, October 19, 2023 12:41 PM
To: Planning <planning@edinburgh.gov.uk>
Cc: Claire Miller (Councillor)
Cc: Claire Miller (C

🔅 External email >

To whom it may concern,

I am writing to comment in opposition to application reference number 23/03896/FULSTL at 31 London Street Edinburgh EH3 6LY.

Our city is in the midst of a catastrophic housing crisis, and I believe that every holiday let is one less home for ordinary residents to live in.

This development would exacerbate the crisis for all residents of the city, displacing people from their communities, driving up rents, and further reducing the desperately needed numbers of homes in the city.

Planning decisions should first and foremost cater for the needs and interests of the city's residents, and this proposed development runs counter to that.

Moreover, I believe that this development is incompatible with planning and development policies at both a local and national level.

The Edinburgh City Plan 2030 states that "[p]roposals which would result in the loss of residential dwellings through demolition or a change of use will not be permitted". Every proposed holiday let could be a residential dwelling, and I do not believe that granting this application is in keeping with the policies outlined in the City Plan.

The plan goes on to state that "[d]evelopments, including change of use which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted."

The impact of high concentrations of holiday lets on nearby rent levels is well documented, and I believe that granting this application will exacerbate the hardship faced by tenants in the community, and therefore is not in keeping with the City Plan.

The Scottish Government's National Planning Framework 4 states: "Development proposals for the reuse of existing buildings for short term holiday letting should not be supported if it would result in: • an unacceptable impact on the local amenity or character of a neighbourhood or

area; or \bullet the loss of residential accommodation where such loss is not outweighed by local economic benefits."

I strongly maintain that this development would have detrimental effects on the local amenity and character of the area, by removing what should be residential accommodation from local supply. I see no evidence that any local economic benefits outweigh this loss.

It also seems clear to me that this development will place a significant burden on local services such as rubbish collection and public transport, negatively impacting all local residents within the community.

Regards, Leona Crancher

From: Eden Anderson <Eden.Anderson@edinburgh.gov.uk> Sent: 06 Oct 2023 10:55:46 To: myemails.dms@edinburgh.gov.uk Cc: Subject: FW: Objecting to STL application 23/03896/FULSTL Attachments:

From: Planning <planning@edinburgh.gov.uk> Sent: Friday, September 29, 2023 11:24 AM To: Benny Buckle <Benny.Buckle@edinburgh.gov.uk> Subject: FW: Objecting to STL application 23/03896/FULSTL

Sent: Friday, September 29, 2023 11:14 AM

To: Planning <<u>planning@edinburgh.gov.uk</u>> Cc: Margaret Graham <<u>Cllr.Margaret.Graham@edinburgh.gov.uk</u>>; Finlay McFarlane <<u>Cllr.Finlay.Mcfarlane@edinburgh.gov.uk</u>>; Claire Miller (Councillor) <<u>c.miller@edinburgh.gov.uk</u>>; Joanna Mowat <<u>Cllr.Jo.Mowat@edinburgh.gov.uk</u>> Subject: Objecting to STL application 23/03896/FULSTL

🔅 External email >

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Moreover, I believe that this development is incompatible with planning and development policies at both a local and national level.

The Edinburgh City Plan 2030 states that "[p]roposals which would result in the loss of residential dwellings through demolition or a change of use will not be permitted". Every proposed holiday let could be a residential dwelling, and I do not believe that granting this application is in keeping with the policies outlined in the City Plan.

The plan goes on to state that "[d]evelopments, including change of use which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted." The impact of high concentrations of holiday lets on nearby rent levels is well documented, and I believe that granting this application will exacerbate the hardship faced by tenants in the community, and therefore is not in keeping with the City Plan.

The Scottish Government's National Planning Framework 4 states:

"Development proposals for the reuse of existing buildings for short term holiday letting should not be supported if it would result in:

- an unacceptable impact on the local amenity or character of a neighbourhood or area; or
- the loss of residential accommodation where such loss is not outweighed by local economic benefits."

I strongly maintain that this development would have detrimental effects on the local amenity and character of the area, by removing what should be residential accommodation from local supply. I see no evidence that any local economic benefits outweigh this loss. It also seems clear to me that this development will place a significant burden on local services such as rubbish collection and public transport, negatively impacting all local residents within the community.

Regards,

Elise Corry

12B Hart Street, EH1 3RN



By email to: planning.local1@edinburgh.gov.uk

City of Edinburgh Council Planning and Strategy 4 Waverley Court East Market Street Edinburgh EH8 8BG Longmore House Salisbury Place Edinburgh EH9 1SH

Enquiry Line: 0131-668-8716 <u>HMConsultations@hes.scot</u>

Our case ID: 300068066 Your ref: 23/03896/FULSTL 14 September 2023

Dear City of Edinburgh Council

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 31 London Street Edinburgh EH3 6LY - Change of use from residential to short term let (in retrospect)

Thank you for your consultation which we received on 04 September 2023. We have assessed it for our historic environment interests and consider that the proposals affect the following:

Ref	Name	Designation Type
LB29260	1-41 (ODD NOS) LONDON	Listed Building
	STREET, INCLUDING	
	RAILINGS AND LAMPS	

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

Our Advice

We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH Scottish Charity No. **SC045925** VAT No. **GB 221 8680 15**



Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at <u>www.historicenvironment.scot/advice-and-</u><u>support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-</u><u>historic-environment-guidance-notes/</u>. Technical advice is available through our Technical Conservation website at <u>www.engineshed.org</u>.

Yours faithfully

Historic Environment Scotland