

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 100639598-002

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

Applicant or Agent Details

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

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Morag Piper
First Name: *	Morag	Building Number:	5b-1
Last Name: *	Piper	Address 1 (Street): *	Greenhill Park
Company/Organisation		Address 2:	
Telephone Number: *	[REDACTED]	Town/City: *	Edinburgh
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	EH10 4DW
Fax Number:			
Email Address: *	[REDACTED]		

Site Address Details

Planning Authority:

City of Edinburgh Council

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

Address 1:

20 RANDOLPH LANE

Address 2:

NEW TOWN

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH3 7TD

Please identify/describe the location of the site or sites

Northing

673902

Easting

324538

Description of Proposal

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

Change of use to Short Term Let

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.

I enclose a separate document in the "Supporting Documents" section to state why I am seeking a review of the Decision:
"Planning 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)

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)

Planning Statement / Record of short-term lettings Sep 2022 to Sep 2023 / Record of guest feedback and comments / Report of Handling / Decision Notice

Application Details

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

23/03948/FULSTL

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

25/08/2023

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

10/10/2023

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 *

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)

If relevant to the appeal process I can provide further written evidence.

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)

If relevant to the appeal process I am happy to be present at a hearing session.

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)

If relevant to the appeal process I am happy for inspection of the property.

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mrs Morag Piper

Declaration Date: 09/01/2024

20 Randolph Lane

Edinburgh

EH3 7TD

Conversion of Residential Apartment for Short-Term Residential Letting

Planning Application to City of Edinburgh Council

Planning Statement

Morag Piper

Version II - updated: 09 January 2024

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Documents submitted in Support of the Planning Application

Application Form

Planning Statement (*this document*)

Record of short-term lettings 2022-2023

Record of guest feedback and comments

1. This Planning Statement supports a planning application by **Morag Piper to City of Edinburgh Council** (*'the Council'*) seeking approval for the continuing use of the apartment **20 Randolph Lane** for short-term letting (*'STL'*).

Background to the Application

2. The application property is a main door first floor flat (apartment) with ground floor entrance in a two storey mews building with garages underneath. It has its own access directly from Randolph Lane. There is no garden associated with the apartment.

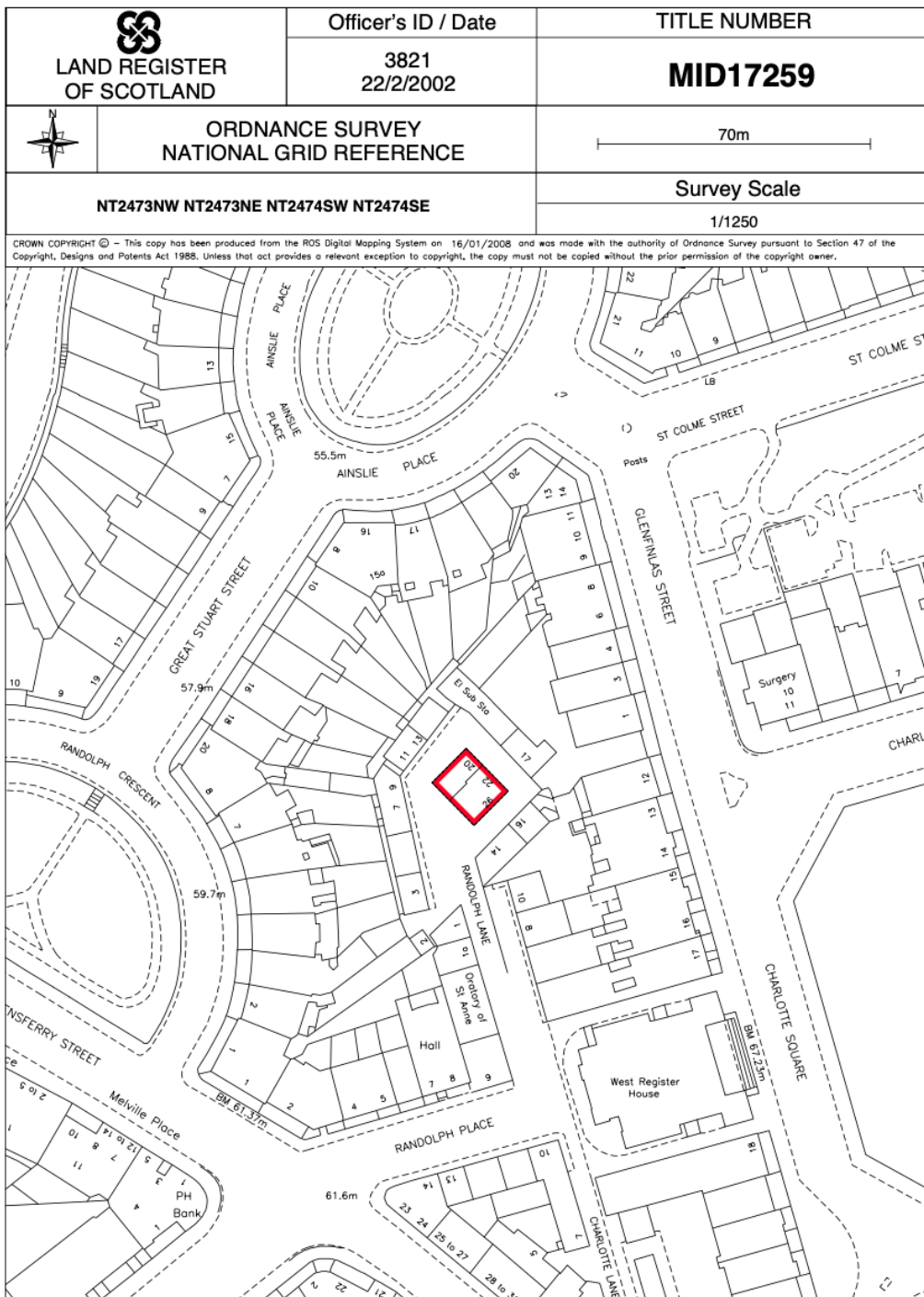


Fig 1 - Location of the property on Randolph Lane

3. The apartment is located within Edinburgh's West End where local facilities and amenities are readily available.
4. The apartment is wholly owned by myself, Morag Piper. Prior to purchase it was used by the previous owner as a rental property.
5. I purchased this property when the previous version of the Council's Guidance stated that approval '*will generally only be acceptable where there is a private access from the street*'. 20 Randolph Lane absolutely complies with this statement.
6. My husband and I have operated a STL together for 6 years. We sold a previous property on the housing market to buy a main door flat complying with the above guidance. The 170+ reviews support our success in hosting.
7. The property has been let out to guests as a **short-term residential apartment** since September 2022 and has remained in that use ever since.

The Need for Planning Permission

8. Following the recent introduction of legislation regarding the licensing of short-term lets ('STL') by the Scottish Parliament, all hosts and operators are now required to apply for an STL license, whose purpose is to ensure that STL properties are fit for purpose in compliance with health and safety standards. It is also a condition of the license application process to demonstrate that the planning status of the premises has been confirmed.

9. The City of Edinburgh Council administrative area was declared as a Short-Term Let Control Area ('STLCA') by the Scottish Government on 27 July 2022 in response to the Council's request in that regard. Under planning legislation it is understood that any STL within an STLCA is now subject to the need for planning permission, with short-term letting of a property now regarded as a 'sui generis' use distinct from use as a residential dwelling (Class 9). It is also understood that the planning regulations require existing STL's to be subject of a planning application submitted 'in retrospect'.

10. It is therefore the purpose of this planning application to formalise the planning status of 20 Randolph Lane by seeking planning permission for change of use of the apartment to short-term letting.

Use of the Apartment for Short-Term Letting

11. The apartment has a private entrance from Randolph Lane.
12. Stairs inside the entry door provide access to the accommodation on the first floor which comprises a lounge, kitchen, 2 bedrooms and bathroom.



Fig 2 - Front door view of 20 Randolph Lane

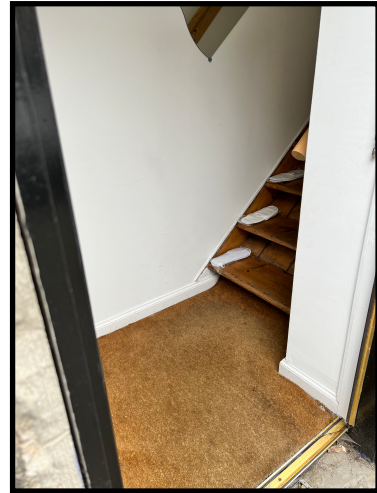


Fig 3 - Entrance with stairs up to the apartment, 20 Randolph Lane

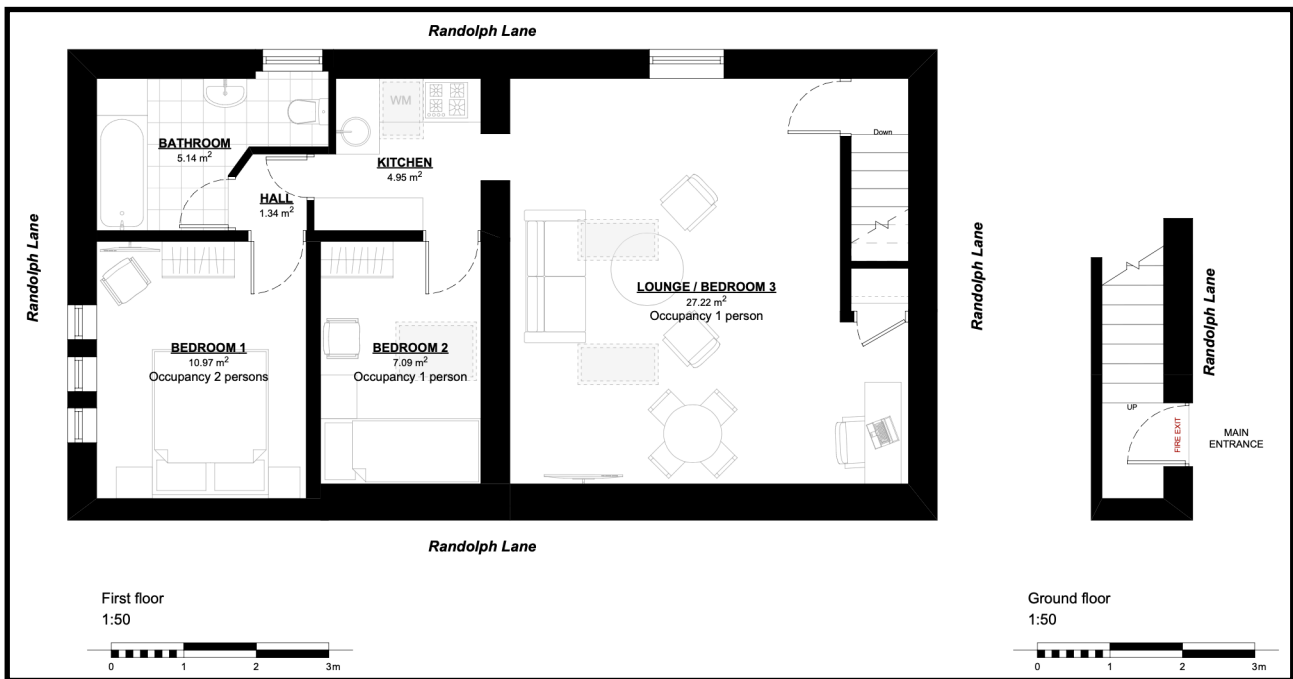


Fig 3 - Floor Plan Layout

13. The letting of the apartment for short-term accommodation from September 2022 to September 2023 is recorded in the **Record of Lettings** which is submitted with the current application. This demonstrates a regular flow of guests.
14. The property is marketed to prospective STL guests through the booking portals **Airbnb** and **Booking.com** at the following links. These include photographs of the rooms and interior of the apartment, the surrounding area, and comments recorded by guests reviewing their stay.
- https://www.airbnb.co.uk/rooms/726096791361775029?guests=1&adults=1&s=67&unique_share_id=7309c7f3-618f-4045-9991-ef6c4d93a69e
 - <https://www.booking.com/Share-Z7ZK5FL>
15. Further description of the management of the apartment, bookings, and protocols to ensure that guests respect the amenity of neighbouring residents is given below (points 55 to 65, and 74 to 77).
16. The use of the apartment for short-term letting for over the past year provides empirical evidence by which to assess its acceptability in the neighbourhood. The reviews made by guests of how the property has been managed have been wholly positive.
17. It should be noted that the two complaints which have been received are both spurious. One quite obviously refers to a different address (to 7a Randolph Crescent), and has been posted at the wrong property. The other is a generalised complaint to CEC councillors about Short Term Letting, and has no specific reference to my property whatsoever. (*See Appendix 1: Public Representations*)

Property Setting

18. Randolph Lane is a quiet Mews enclave behind Charlotte Square in Edinburgh's New Town. The Lane is of historical significance in that the stables would have housed the horses from the surrounding Georgian houses. There is an entrance to the Mews from the North West corner of Charlotte Square, which makes it very special for visitors and tourist groups.
19. Nowadays Randolph Lane has a quiet mixed-use character of a predominantly commercial nature: the property is surrounded by garages and offices and buildings used for commercial activity. The majority of the garages are owned separately and many are let on a commercial basis. Out of those garages which are not let, some are used by the owners for city centre parking, some used for storage, some are empty. None of the properties in our block (20, 22 and 26 Randolph Lane) own any of the four garages below our properties.
20. The dwellings are either second homes (for example number 17), rentals or Short Term Let properties, (numbers: 22, 26, 9, 14, to name the closest), or empty. The property is surrounded by garages and offices and buildings used for commercial activity.
21. Opposite our front door, to the north of the property, is an electrical sub-station. To the north-east, east and south-east are many businesses. (Murray Beith Murray, Endava, Baxters Food, Mdp Capital, Dickson Minto, The National Records of Scotland building).
22. To the east and south of the property is parking spaces for firms: Intuitis Ltd, Applecross Creation Ltd, Circularity Capital LLP, Experis / Brook Street, Tsunami Axis Ltd.
23. At the exit of Randolph Lane onto Randolph Place there is a wine bar and restaurant (La P'tite Folie and DiVin). Beyond that are businesses such as a Dental Studio, Hairdresser, Barber, the Gym on the Square, a Cocktail bar, many restaurants and bars, and further to the south in Queensferry Street there are many, many retail outlets of a wide variety.
24. There are no green spaces (no gardens).
25. There is no local community in Randolph Lane: no residents association, no neighbourhood watch, no Street WhatsApp group.
26. 20 Randolph Lane is a specific case in being of commercial character: the other Randolphys (Place and Crescent) are lined with Georgian tenements. The Lane is quite a different entity.

Planning Policy Assessment

27. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that:
'Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.'
28. The Development Plan effective for this application comprises two parts:
1. i) National Planning Framework 4 ('NPF4') - approved by Scottish Parliament in January 2023 and adopted by Scottish Ministers with effect from 13 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.
 2. ii) Edinburgh Local Development Plan ('the LDP') - adopted in 2016, this sets out policies and proposals to guide development across the city.
29. Both documents must be taken into account, with Section 24(3)(i) of the Town and Country Planning (Scotland) 1997 Act stating that 'in the event of any incompatibility between a provision of the National Planning Framework and a provision of a local development plan, whichever of them is the later in date is to prevail'.
30. In providing a planning assessment I therefore give primary consideration to NPF4 as it was most recently approved, with subsidiary consideration given to the LDP.

NPF4 - Policy 1 'Sustainable Places'

31. The intent of Policy 1 is 'to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.'
32. I consider the property is in a highly sustainable location in terms of its accessibility by different modes of transport. It will also reduce the need for further construction of hotels and aparthotels in an area with an already extremely high concentration (the Haymarket area).
33. The continued use of 20 Randolph Lane as a short-term let will therefore satisfy the principles of sustainability and cause no adverse impact on the global climate and nature crises.

NPF4 - Policy 13 'Sustainable Transport'

34. The intent of Policy 13 is 'to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel use and reduce the need to travel unsustainably.'

35. I actively discourage the use of the motor car on the apartment listing, and when communicating with prospective guests alert them to the strict regulations (no parking at all in the mews), and charged on-street parking for anyone who does drive to Edinburgh.
36. The property is in a highly sustainable location being accessible via a choice of modes of transport including on foot, by cycle and by public transport. This includes the National Cycle path (City Centre WestEast Link), bus, train and (in particular) the tram route. It is ideally placed for the purposes of STL guests.
37. Guests at 20 Randolph Lane do not need to use private transport or taxis once in Edinburgh. They are able to visit key attractions, historic sites and services by walking and cycling.

NPF4 - Policy 30 'Tourism'

38. The stated intention of the Scottish Government for Policy 30 is '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'.
39. As the applicant, I consider that the provision of high quality, well managed and easily accessible premises for short-term letting such as 20 Randolph Lane contributes directly to encouraging and promoting tourism, and to inspiring people to visit Scotland.
40. LDP Policy Del 2 'City Centre' has an overarching narrative which supports development that contributes to Edinburgh's role as a capital city. Tourism and the provision of accommodation for visitors to the city centre is a fundamental part of this role and, in my opinion, the contribution made to this objective by my STL property gives added weight to the approval of this planning application.
41. One of the principle benefits of short-term lets in contributing to the city's tourism offer is by providing specialist accommodation for visitors as an alternative to hotels and other conventional types of accommodation, which may not be suitable for many visitors.
42. It is evident that the introduction of the current STL licensing regime, and the associated use of planning controls, reflects an appetite from the Scottish Government and the Council for greater regulation of the short-term letting sector which is resulting in the amount of short-term letting accommodation in Edinburgh being significantly reduced.
43. I therefore submit that due recognition should be given to the important contribution to the tourism sector that will be made by the limited number of remaining STL properties that comply with planning and licensing regulations, including my apartment at 20 Randolph Lane.

NPF4 - Policy 30 clause e) - Short Term Letting

44. Of specific relevance to short-term letting, clause 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:
1. i) An unacceptable impact on local amenity or the character of a neighbourhood or area;
or
 2. ii) The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.'
45. Policy 30 e) i) - "The reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in an unacceptable impact on local amenity or the character of a neighbourhood or area"
46. Clause e) i) of Policy 30 requires consideration of two criteria, a) as to whether the STL use at 20 Randolph Lane is compatible with the character of the area and b) will have a detrimental impact on local amenity.
47. These matters are further informed by criteria within the Council's LDP Policy Hou 7 and the Council's non-statutory '*Guidance for Businesses*' (*the Guidance*).
48. In consideration of other STL applications the Council has consistently regarded the nature of occupancy by STL guests as different to that of permanent residents.
49. The properties on Randolph Lane are almost entirely non-residential. There are many key safes to support the Short Term Letting businesses. The property backing on to 20 Randolph Lane has been a STL for 10 years. Some properties are empty or used as holiday homes for a short part of the year. There is an electrical Sub Station, and many business offices as described above (points 21 to 23).
50. The application property is part of this mixed use and commercial area, with which I consider the STL use of 20 Randolph Lane is wholly compatible.
51. The subtext to Hou7 at para 234 of the LDP confirms that the intention of the policy is i) to preclude non-residential uses incompatible with predominantly residential areas and ii) to prevent deterioration of living conditions in more mixed-use areas which have important residential functions.
52. The area is not 'predominantly residential' and instead is commercial in the main. Therefore the second of these criteria is relevant to this application, informed by criteria in the Council's Guidance.

53. There are no families resident in Randolph Lane. With most properties being situated above garages, and therefore entry via stairs, the properties are not suitable for young families, not suitable for elderly residents and not for individuals with physical disabilities.
54. The Guidance states that 'in mixed-use areas (residential / commercial) regard will be had to the nature of surrounding uses and the proximity of the site to residential properties, also taking into account ambient noise levels'. In this context I now consider any impact from the STL use on local amenity.
55. **i) Managed Personally** – I am owner and full-time manager. I am responsible for advertising the property, handling all bookings and providing the point of contact for guests.
56. Guests are always met in person to hand over the keys, to welcome the guests at the property and to explain any protocols. This includes apartment rules that no noise or disturbance should be caused to neighbours.
57. **ii) Positive Reviews** - As the use of the apartment is already established this provides empirical evidence on which to make an assessment against Hou7. The record of occupancy by guests at the apartment is shown in the Register of Lettings from September 2022 which is submitted with the application. This demonstrates a consistent and regular flow of guests.
58. Many guests leave comments regarding their stay on the Airbnb and Booking.com websites. These have been exclusively positive, and reflect strong customer satisfaction with the quality and management of the property, the Airbnb reviews all 5 stars are submitted with the application. This reflects the quality of the offering which reflects well in turn on the tourist industry of the city.
59. Of particular note there have been no complaints made by any neighbours (having none!) regarding the operation of the STL at 20 Randolph Lane at any time in over the last year of operation.
60. **iii) Small Apartment, Few Guests, Low Activity** - The STL apartment is relatively small with 62 sqm living floor area and only two bedrooms with maximum occupancy of 4 people. It is not conducive for large gatherings and is certainly not a 'party flat'. Its small size makes it unlikely that guests would generate noise sufficient to cause disturbance.
61. **iv) Private Entrance** - 20 Randolph Lane is a self contained apartment and has its own private entrance from the Lane, not shared with any other property. This means there will be no possibility of any interaction with, or direct impact on, any residential neighbours (note: I have already stated that there are no year-round residential neighbours (point 19 to 26).

62. The previous version of the Council's Guidance stated that approval '*will generally only be acceptable where there is a private access from the street*' which effectively established a presumption in favour of approval where this was achieved. The latest Guidance has reduced this emphasis and now says that '*if the property has its own main door access regard must be had to other criteria*'. However I consider this factor remains an important consideration in favour of approval.
63. **v) No Communal Facilities** - There are no shared facilities with any residential neighbours. I arrange for the cleaning of the apartment, disposal of rubbish and any maintenance of the property to be carried out by private contractors. The latter are all local residents whose livelihood is exclusively dependent on this work, and work for other STLs.
64. **vi) No External Areas** - The apartment has no external areas or gardens in which guests might gather. Consequently any guest activity will be confined to inside the apartment, which has the effect of 'insulating' any activity within the apartment.
65. All of these factors reduce the likelihood of noise being caused, and certainly not at levels that might disturb the living conditions of residents in the nearest flats or apartments.
66. **Conclusion** - I submit that all of the above demonstrates compliance with NPF4 Policy 30 e) i) and presumes in favour of planning permission being granted.
67. The use of 20 Randolph Lane for short-term letting will make a positive contribution to the local economy from all of the following:
1. Accommodation fees paid by guests generates income for a locally run business.
 2. Guests will visit the city's tourist attractions and frequent local bars, restaurants and shops providing increased income for these businesses.
 3. Business is generated for local cleaning and maintenance staff.
68. The Council commissioned a study by MKA Economics to compare the economic benefit of short-term letting against the permanent residential use of property in Edinburgh, and their report (May 2023) is now being taken into consideration by the Council as one source of information when considering STL planning applications.
69. At a macro level, the Association of Scotland's Self Caterers (ASSC) commissioned an economic study which has been submitted as evidence to the Scottish Parliament. This calculated that in a typical year short-term letting accommodation in Scotland generates £876m expenditure by guests (of which £91m is in Lothian region), GVA impact of £489m (£59m in Lothian) and nearly 24,000 FTE jobs (over 2500 jobs in Lothian).

70. The short-term letting of 20 Randolph Lane results in direct and positive benefits to the Edinburgh economy, and this is reinforced by the wider regional and national evidence available.

71. The cleaning contractors make their exclusive living from this and other STL.

72. Consideration of Policy 30b) presumes in favour of planning permission being granted.

Further to comments in The Handling Report and Decision

With reference to :

- **Local Development Plan Policy Hou 7**
- **National Planning Framework 4 Policy 30(e)(i)**
- **City Plan 2030**
- **City Mobility Plan 2021 - 2030**

73. The Handling report states that: *“Transient visitors may have less regard for neighbour’s amenity than individuals using the property as a principal home”*

74. The very spirit of Airbnb is that guests follow the House Rules in STL properties. The business is built on reviews - guests review the hosts and vice versa. The three main areas in writing Guest reviews are: Cleanliness, Following House Rules and Communication. In my experience this has a strong impact on the positive behaviour of STL guests.

75. Our “transient visitors”: the make up of guest groups. With two bedrooms, the property is popular with small family groups of 2, 3 or 4. Our guests have booked stays to attended conferences in local hotels (the Charlotte Kimpton), to work close by, to visit family who live locally, to attend University Open Days, and also for tourism.

76. The majority of guests adhere to the stated check in and check out times which means that activity with luggage is kept to a window between 11:00 and 18:00 on the whole.

77. The Lane is extremely well-lit in the evenings and we have an extra light outside our front door, therefore there is no reason for our guests to make any more noise than they would in the day time.

78. In this self-contained mews property situated above a garage (with no parking provision), issues with noise, rubbish generation and impacts on the amenity of neighbouring properties are surely less than such issues arising from a neighbouring tenement block or flats with shared gardens, or mews properties with full-time residence by young children or young adults.

79. The Handling Report states that servicing the STL is likely to result in an increase in disturbance. Please be assured that any servicing is done in the daytime: usually between the hours of 11:00 and 15:00 (and immediately after guests depart if possible). There is no extra car activity from our STL as no parking is allowed in the Mews itself, indeed for the vast majority of our servicing, personnel use public transport.

80. Since owning the property I have improved the ambience of the area hugely. Initially by picking up rubbish, having old broken council bins removed, unwanted brown council bins which had

been used for other waste removed, even an old Christmas tree from the area which had obviously rolled untouched for a long time before my purchase of the property (August!).

81. I regularly ensure that the area is maintained in a respectable manner. There are no residents on the North, West or East sides of the Lane who do so. The owners of the garages take no part in this also.
82. Over my frequent visits, my presence has discouraged residents from Great Stuart Street properties dumping their rubbish in the mews and using the Council bins for garden waste. This had become a common occurrence with the lack of any residents living in the Lane.
83. To the south of my property, the area is kept clear and tidy by the owner and employees of the STL property there. In my view, far from an increase of disturbance, we (the STL owners) are improving the look of the area and making it a far more pleasant place to live in.

City Plan 2030

A city where you don't need to own a car to move around

2.111 "City Plan 2030 will realise the lifelong health benefits of walking, wheeling and cycling ..."

84. Randolph Lane is ideally situated for visitors to access many tourist and leisure areas in the city on foot, or on wheels: from the attractions of the Old and New Town, to the Water of Leith walkway, the art galleries in Belford Road,

2.39 "City Plan aims to ensure that everyone has access to a range of amenities in their area through the promotion of 20-minute neighbourhoods"

85. Amenities such as access to food-shopping such as a family or long-term resident would require, if resident in Randolph Lane, are not locally available. The two local supermarkets cater for day-visitors to the City Centre, for tourists, workers and shoppers: take-away lunch and snacks predominate. For the "weekly shop", residents would be required to travel some distance (Craigleith Retail Park for instance). This is well outwith the 20 minute-neighbourhood, and necessitates the use of private transport. Again, this limits the suitability of this property for residential use.
86. The catchment Primary and Secondary schools are also outwith the 20 minute round trip which the City Plan 2030 promotes, making Randolph Lane unsuitable area for families with school-age children. (Single journeys of 19 and 26 minutes, respectively, would be required.)

Conclusions

87. *The apartment, limited to four guests, is in a setting which is wholly compatible with neighbouring uses that are largely commercial in character. Yet guests are within minutes of the vibrant heart of the West End of Edinburgh, with all the transport links, tourist attractions, cafes, bars and restaurants which visitors to Edinburgh crave / will love.*
88. *As an apartment with its own entrance, in a mixed-use area, (predominantly commercial) its relationship with adjacent buildings means that no one is affected by the comings and goings of STL guests. No detrimental impact is caused to local amenity and this is evident from the absence of any complaints from any neighbours over the last year of operation.*
89. *Guests do not need to use private transport or taxis once in Edinburgh and are able to visit key attractions, historic sites and services by walking or cycling.*
90. *Guests using our City Centre accommodation contribute to the local economy and help the Council to achieve its objectives for a lively and mixed-use City Centre, with a range of accommodation (full-time homes, self-catering & B&B accommodation, hotels, apart hotels and guests houses) and extend activity in the City Centre beyond day-time.*
91. *It is therefore difficult to conceive of circumstances more appropriate for an STL to fulfil relevant planning criteria, notwithstanding the Council's current strict approach to short-term letting.*
92. *The granting of planning permission for STL use of the apartment at 20 Randolph Lane is merited in accordance with the development plan on grounds that it:*
- *makes a positive contribution to the provision of visitor accommodation in the city*
 - *is compatible with the character of the area*
 - *causes no undue detriment to neighbours*
 - *generates local economic benefit*
 - *Improves the amenity of the area*
93. *The proposal fulfils in all regards the Scottish Government's stated intention for NPF4 Policy 30 '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'.*
94. *STL use at 20 Randolph Lane contributes to achieving the policy principles of NPF4 by providing discrete short term let accommodation for guests who wish to stay in the heart of the city centre, generating business for local enterprises, achieving a positive purpose for an under-used building, being compatible with the mainly commercial area, whilst protecting and respecting local amenity.*
95. *PTO*

95. The neighbouring STL has been operating for over 10 years. To grant that property a licence and deny ours would not be Natural Justice: we have been operating for over 6 years, but sold our previous flat to buy a main door property, in order to comply with the Council's proposed new regulations.

96. Far from detracting from the character of the local area, STL activity in Randolph Lane has enhanced the locality.

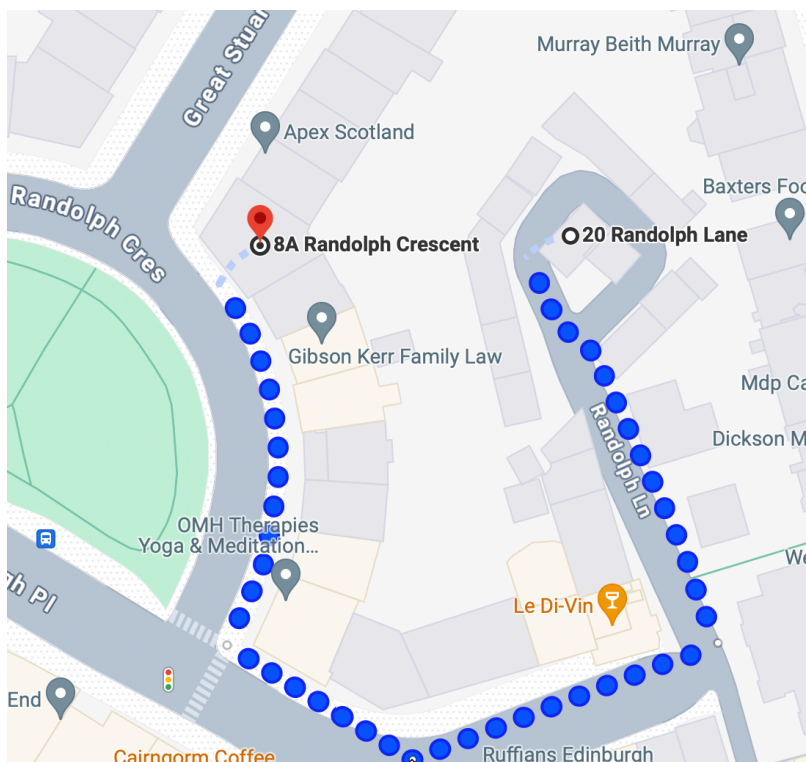
Appendix 1

Public representations: two objections

1. Objection from a resident of Flat 1 8A Randolph Crescent, EH3 7TH

This objection is clearly not meant for my property.

Mrs Viviani lives at Flat 1 8A Randolph Crescent. Her property is nowhere near Randolph Lane, it would take (according to Google) 4 minutes to walk round the Crescent, into Randolph Place and then into Randolph Lane. With the large Georgian tenement buildings between the properties, it would not be possible to identify any shouting noise between the two properties, if any could actually be heard from that distance. Also there is no way through from the rear of Mrs Viviani's property to Randolph Lane. Indeed there are many gardens, fences and garden walls, not to mention the building at 13 Randolph Lane, between the two properties.



To claim to have seen late night anti-social behaviour by STL guests, to claim to see / hear recycling bins being kicked by STL guests, to claim to see rubbish and bottles left in the area, to claim to see cleaners dumping unsorted rubbish, to claim to hear noise of suitcases - none of this computes. None of the above would be possible from 8A Randolph Crescent.

The photographs overleaf show that Mrs Viviani lives in a Basement flat, number F1. At the time of my visit, a STL Notice was displayed for Basement Flat, number F2. The two flats share a common entrance, as shown in the photographs.



• EDINBURGH •
THE CITY OF EDINBURGH COUNCIL

PUBLIC NOTICE OF APPLICATION FOR SHORT-TERM LETS LICENCE

The Civic Government (Scotland) Act 1982(Licensing of Short-term Lets) Order 2022

New application Renewal application

Applicant	Jason Walker
Applicant's Address	Tinley Lodge Hildenborough Road Shipbourne Kent
Postcode	TN11 9QB

Has applied to the City of Edinburgh Council for a Short-term Lets Licence.

Short-term lets premises address (If different from above)	8A2 Randolph Crescent Edinburgh
Type of licence applied for (Please tick ✓)	Home sharing <input type="checkbox"/> Secondary letting <input checked="" type="checkbox"/> Home Letting <input type="checkbox"/> Home sharing & home letting <input type="checkbox"/>
Maximum number of Guests	5
Number of Bedrooms	2
Day to day manager/ agent details (If different from applicant)	Name: Susan Knight Address: 8 Baird Gardens Edinburgh Postcode: EH12 5RS

Objections or Representations

Objections or Representations about the application may be made by any member of the public. Objections or Representations must:

- be in writing
- specify the grounds of the objection or, as the case may be, the nature of the representation.
- set out the name and address of the person making it.
- must be signed by the person or on their behalf
- be made within 28 days of public notice of the application being given

It is my belief that Mrs Viviani's objection refers to the STL at Flat 2 8A Randolph Crescent, and that she has objected to my STL application in error.

2. Objection emailed on Friday September 29 2023 from a resident of EH7 4DX

This is an interesting objection in that it is copied to Councillor Margaret Graham, Councillor Finlay McFarlane, Councillor Claire Miller and Councillor Joanna Mowat. All these Councillors represent Ward 11 - City Centre.

The objector lives in Rodney Street in the Broughton area of Edinburgh, a 30 minute walk from my property. Therefore it is unlikely that they have a knowledge of our local area. Indeed they use no specifics whatsoever to make any reference to 20 Randolph Lane.

This objector appears to have made assumptions which may apply to any area within the City Centre.

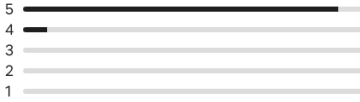
It is my belief that he is using my property and my application to make an objection to the City of Edinburgh Council, rather than a specific objection to my property.

4.93

Guest favourite

One of the most loved homes on Airbnb based on ratings, reviews and reliability

Overall rating



Cleanliness	4.9
Accuracy	5.0
Check-in	5.0
Communication	5.0
Location	5.0
Value	4.8

All Airbnb Reviews 2022 / 2023

20 Randolph Lane

Very welcoming host, very comfortable experience

Lovely accommodations and location. Would stay there again.

Very friendly and hospitable hosts. Convenient position for sightseeing, eating and supermarkets.

Spacey flats with all kitchen facilities. Would recommend that for all friends.

Amazing stay, very friendly owner and answered questions I had quickly. Great location and peaceful at night. Would stay again

Wonderful place, excellent host, excellent location, peaceful, quiet, cozy and everything you could need. We loved it. Thanks Douglas!

We loved our stay!! It was an amazing location and well stocked with basic needs. Douglas so amazing and kind. Our flights got canceled and I was stuck an extra night and although by they couldn't host us because they had guests coming in, they let us borrow the pack n play for my son that extra night. They were so understanding and responsive. Would recommend this place to anyone!

Decent apartment. Good hosts. Very centrally located, near most major attractions. Right next to Prince Street. Within walking distance (15-30 minutes) from most major attractions such as the Royal Mile, Dean Village, Grassmarket etc.

Excellent location. Very quiet. Host very helpful. Flat has everything you could need.

Don't hesitate. Book here.

Also, a note: we had to request a fairly significant change with our booking, and the hosts were exceptionally accommodating. We appreciated that.

We loved our stay in this fabulously appointed and located apartment. Douglas was very helpful and easy to deal with and we enjoyed being in the heart of Edinburgh with a handy door leading out from the mews courtyard to Charlotte Square. We hope to be back again one day!

From checking in with us to providing recommendations, Douglas and Morag were excellent hosts who made sure we were comfortable! The apartment was lovely with plenty of space and was clean. The beds were comfortable too. My family thoroughly enjoyed the stay!

Douglas and Morag couldn't have been more helpful and accommodating before, during or after our stay. The apartment is situated in a great location close to the main city but also private enough to feel like you have a place to relax.

Friendly and always helpful host, who did everything to enable a pleasant and uncomplicated stay. The apartment has been everything and more we hoped for. The place is an very quiete for backyard apartment near the Princess Street.

Excellent location! Very friendly and helpful hosts. Great accommodation! Will definitely be back.

Very nice apartment in a great location. Douglas was a great host, excellent communications and helpful information provided in a timely manner. The apartment is in a nice quiet location but very close to Edinburgh's main streets. Overall a very good experience and highly recommended.

My family went to Edinburgh because of Beyoncé's concert. Douglas was a great host! He replied quickly to our queries and gave precise instructions to arrive at the place. He even waited my father, who doesn't speak English, at the bus stop! The apartment is really cute and well decorated. Everything has been recently renovated. It's really comfortable and silent, yet very well located. Highly recommended!

We loved staying in this flat — everything was exactly as described, as displayed in the photos or better. Douglas was a fantastic host, initially accommodating a slightly early checkin and then a later one due to train delays on the day. He was lovely the whole time, proactively making recommendations and generally being very friendly and responsive. The area was wonderful as well and very centrally located while still being out of the way and peaceful. Cannot recommend enough!

Douglas'a place was very roomy and just as described. In a quiet and safe location of town. We were very happy with our stay and do recommend !

The hosts were very communicative, met me at the door, allowed an early checkin, and provided clear instructions for how the flat worked and the hidden gate leading onto Charlotte Square. The location was perfect for my activities and the mews were very quiet overall. I would most definitely book with them again. I can't emphasise enough how clean the place was and how accommodating Douglas and Morag were about everything.

Great apartment in a great location. Hosts were fantastic and responsive always.

Fantastic

Great place to be in Edinburgh. The flat is beautiful, well-prepared for guests, centric, quiet and with an amazing natural lighting. Douglas and Morag are the best too, attentive and responsive, always ahead of us.

Douglas is a fabulous host!! What a wonderful stay we had.
Thanks so much Douglas - we'll be back!

The house is clean and comfortable, and the host is super friendly!!

The location, the accommodation and Douglas as host were 1st class. Edinburgh as a city is magnificent and the flat is ideally positioned to take in all its attractions.

What a great location so close to everything (shops, restaurants, trams etc.) and yet in a beautifully peaceful mews.

Douglas was an excellent host, communication was seamless and the apartment had everything we needed.

We highly recommend and will hopefully stay again in the future.

Excellent and beautiful apartment, located in a very nice and strategic area to get to know Edinburgh. The host is impeccable, attentive, polite, friendly and looking for a way for us to have the best experience. We would return without hesitation.

Translated from Spanish Show original

20 Randolph Lane, All Bookings 2022 / 2023			
Name	Source	Date in	Date out
Sheila	Airbnb	30/09/2022	01/10/2022
Alan	Airbnb	03/12/2022	04/12/2022
If	Airbnb	28/12/2022	30/12/2022
Mike	Airbnb	30/12/2022	01/01/2023
Becky	Airbnb	30/01/2023	20/02/2023
Bex	Direct	20/02/2023	27/03/2023
Pablo	Airbnb	31/03/2023	10/04/2023
Geraint	Airbnb	10/04/2023	13/04/2023
Dylan	Airbnb	14/04/2023	16/04/2023
Kristin	Airbnb	19/04/2023	27/04/2023
Mariano	Airbnb	29/04/2023	01/05/2023
Gwen	Airbnb	05/05/2023	10/05/2023
Meghann	Airbnb	11/05/2023	14/05/2023
Rebecca D	Airbnb	14/05/2023	18/05/2023
Rodrigo	Airbnb	18/05/2023	21/05/2023
Michael C	Airbnb	21/05/2023	26/05/2023
Nicky	Airbnb	26/05/2023	30/05/2023
Florian	Airbnb	30/05/2023	03/06/2023
Younghee Kim	Airbnb	10/06/2023	13/06/2023
Kieran F	Airbnb	16/06/2023	19/06/2023
Raunaq R	Airbnb	20/06/2023	23/06/2023
Liz D	Airbnb	23/06/2023	30/06/2023
Elena	Airbnb	01/07/2023	05/07/2023
Veronika W	Airbnb	05/07/2023	09/07/2023
Sarah Jane S	Airbnb	11/07/2023	13/07/2023
Yara J	Airbnb	14/07/2023	16/07/2023
Ashild K	Airbnb	17/07/2023	25/07/2023
Rachel L	Booking.com	25/07/2023	26/08/2023
Cathy B	Airbnb	26/07/2023	05/08/2023
Gwokin G	Booking.com	05/08/2023	06/08/2023
Vincent	Airbnb	06/08/2023	13/08/2023
Haotian	Airbnb	14/08/2023	16/08/2023
Jon B	Booking.com	16/08/2023	17/08/2023
Anne S	Booking.com	18/09/2023	20/08/2023
Gonca Y	Booking.com	20/09/2023	21/08/2023
Guy P	Booking.com	21/08/2023	22/08/2023
Guy P	Booking.com	22/08/2023	23/08/2023
Ma Victoria S	Booking.com	23/08/2023	24/08/2023
Joshua R	Booking.com	24/08/2023	25/08/2023
Harshit K	Booking.com	25/08/2023	26/08/2023
Steve Ley	Airbnb	26/08/2023	31/08/2023
Thomas G	Airbnb	01/09/2023	03/09/2023
Jane M	Booking.com	03/09/2023	05/09/2023
Oi Fong / Irene	Booking.com	06/09/2023	08/09/2023

20 Randolph Lane, All Bookings 2022 / 2023			
Name	Source	Date in	Date out
Leyu Q	Airbnb	08/09/2023	11/08/2023
Alexandre R	Booking.com	13/09/2023	16/09/2023
Tracey M	Booking.com	16/09/2023	18/08/2023
Rachel P	Airbnb	22/09/2023	25/08/2023
Laisa V	Booking.com	29/09/2023	30/09/2023

Mrs Piper.
Flat 1 5B Greenhill Park
Edinburgh
EH10 4DW

Decision date: 10 October 2023

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

Change of use to short term let (in retrospect).
At 20 Randolph Lane Edinburgh EH3 7TD

Application No: 23/03948/FULSTL

DECISION NOTICE

With reference to your application for Planning Permission STL registered on 28 August 2023, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

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

Reason for Refusal:-

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this property as a short 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 4 Policy 30(e)(i) in respect of Local Amenity as the use of this dwelling as a short term let will result in an unacceptable impact on local amenity.

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 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will not harm the listed building or its setting and it will preserve or enhance the character or appearance of the conservation area.

The change of use of this property to a short-term let (STL) will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity or loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

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

Should you have a specific enquiry regarding this decision please contact Lesley Porteous directly at lesley.porteous@edinburgh.gov.uk.



Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

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

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

∴

Report of Handling

**Application for Planning Permission STL
20 Randolph Lane, Edinburgh, EH3 7TD**

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

**Item – Local Delegated Decision
Application Number – 23/03948/FULSTL
Ward – B11 - City Centre**

Recommendation

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

Summary

The proposal complies with Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will not harm the listed building or its setting and it will preserve or enhance the character or appearance of the conservation area.

The change of use of this property to a short-term let (STL) will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity or loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

SECTION A – Application Background

Site Description

The application site is a first floor flat within a two-storey mews building at 20 Randolph Lane. The living quarters of the dwelling extend over one floor. There are garages and the main door entrance on the ground floor. Steps lead up to the first floor which has a lounge, kitchen, bathroom and two bedrooms. There is no shared or private amenity space.

The surrounding area is a mix of garages/lock-ups with residential on the first floors and some offices. The property is just outwith the city centre at the west end. Public transport can be reached within a 5-minute walk.

The application site is a C listed building (ref: LB 46121: date of listing 31.3.99).

The application site is in the Old and New Towns of Edinburgh World Heritage Site and the New Town Conservation Area.

Description Of The Proposal

The application seeks permission to change the residential use to a short term let apartment. No internal or external physical changes are proposed.

The applicant has advised that the property has been used as a short term let since September 2022. The application is therefore retrospective.

Supporting Information

Planning Statement.

Relevant Site History

No relevant site history.

Other Relevant Site History

No relevant planning site history.

Consultation Engagement

No consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 4 September 2023

Date of Advertisement: 8 September 2023

Date of Site Notice: 8 September 2023

Number of Contributors: 2

Section B - Assessment

Determining Issues

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

a) Is there a strong presumption against granting planning permission due to the proposals:

(i) harming the listed building or its setting? or

(ii) conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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: Interim Guidance on the principles of listed building consent.
- 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 harms neither the listed building, its setting or the conservation area. It is therefore acceptable with regard to Sections 59 and 64 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 that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

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

Conclusion in relation to the conservation area

The proposal does not harm the conservation area. Therefore, it is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

c) The proposals comply with the development plan?

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

- NPF 4 Sustainable Places Policy 1.
- NPF 4 Historic Assets and Places Policy 7.
- NPF 4 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 Buildings, Conservation Area and Edinburgh World Heritage Site

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

Proposed Use

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

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

Amenity

The property is on the first floor of a two storey mews building located in a quiet, mainly residential enclave in the west end, just outwith the city centre. The property is part of a block of mews buildings, set within a courtyard lane, and has its own main door entrance on to the lane.

The applicant submitted a planning statement in response to the NPF 4 policies. In terms of amenity, the statement asserts that the properties in Randolph Lane are largely non-residential and the area is in mixed use. It states that the property is well managed and there are no known complaints.

As the lane is a mix of residential uses, lock-ups/garages with some offices, there is a fairly low ambient noise level. The introduction of an STL use in this location will have a negative impact on the amenity of the surrounding area. Although it has its own main door access, the use of this property as a short term let would have the potential to introduce an increased frequency of movement to the dwelling at unsociable hours. The proposed two bedroom short stay use would enable visitors to arrive and stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents. There is no guarantee that guests would not come and go frequently throughout the day and night and transient visitors may have less regard for neighbours' amenity than individuals using the property as a principal home.

The additional servicing that operating a property as an STL requires compared to that of a residential use is also likely to result in an increase in disturbance, further impacting on neighbouring amenity. However, this would be of lesser impact as it is likely that servicing would be conducted during the daytime.

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

Loss of residential accommodation

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

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

The applicant's planning statement sets out that the STL use will make a positive contribution to the local economy through accommodation fees, guests utilising local businesses and creating work for local cleaning and maintenance staff.

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

Further, it is important to recognise that residential occupation of the property contributes to the economy, in terms of providing a home and the spend in relation to the use of the property as a home, including the use of local services and resultant employment, as well as by making contributions to the local community.

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

Car Parking

There is no car parking available at the application property. This is acceptable and there is no requirement for cycle parking for STLs. The proposal complies with 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.

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.

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.

Public representations

Two objections.

A summary of the representations is provided below:

material considerations

-Negative impact on residential amenity (including litter). Addressed in c) above.

- Negative impact on housing stock. Addressed in c) above.
- Incompatible with NPF 4 30 (e). Addressed in c) above.

non-material considerations

- Incompatible with Edinburgh City Plan 2030. Addressed in d) above.
- Will place burden on rubbish collection service. Applicant should agree a waste strategy with CEC Waste Services.

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 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will not harm the listed building or its setting and it will preserve or enhance the character or appearance of the conservation area.

The change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity or loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reason for Refusal

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this property as a short 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 4 Policy 30(e)(i) in respect of Local Amenity as the use of this dwelling as a short term let will result in an unacceptable impact on local amenity.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 28 August 2023

Drawing Numbers/Scheme

01, 02

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Lesley Porteous, Planning Officer
E-mail: lesley.porteous@edinburgh.gov.uk

Appendix 1

Consultations

No consultations undertaken.

Application Certification Record

Case Officer

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

Case Officer: Lesley Porteous

Date: 9 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: 9 October 2023