

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: [planning.support@edinburgh.gov.uk](mailto: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 100640125-005

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:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Assich Lodge"/>
First Name: *	<input type="text" value="Antony"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Bromley"/>	Address 1 (Street): *	<input type="text" value="Easter Galcantray"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Cawdor"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="IV12 5XU"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Site Address Details

Planning Authority:

City of Edinburgh Council

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

Address 1:

FLAT 3

Address 2:

1 DOCK STREET

Address 3:

NORTH LEITH

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH6 6HU

Please identify/describe the location of the site or sites

Northing

676623

Easting

326797

## 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)

Original application description: Change of use from residential to short term let for 52 weeks of a calendar year. At Maximum stay intervals of 28 days. Appeal notice review, application description updated and proposed as follows: Combined mixed use as, A) Predominantly used as private residence and B) Short term letting for a maximum of 5 calendar months per year (nominally May through to September inclusive). At maximum stay intervals of 28 days and minimum stay intervals of 3 days.

## 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.

The appellant has submitted an appeal letter, the summary items as follows: The appellant newly proposes mixed use: a personal residence and limited short term letting limited to 5months. Effects on nearby residents to be considered in this case and not applied generally. Share facilities to be considered in this case and not applied generally. Impact on neighboring amenities to be consider in this case and not applied generally. Sustained maintenance & frequency of use data to be considered.

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)

The original planning application was to allow short term letting for up to 365 days per calendar year, with lengths of stay between 2 and 28 days. The appellant now proposes mixed use: A) As a personal residence with B) limited Short Term Letting. The proposal is to limit short term letting to a maximum of 5 calendar months i.e. 40% of the calendar year with minimum length of stay as 3 days. The appellant requires the flat to remain available for work supporting the new Monklands hospital.

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)

1\_Dock St - STL-Planning-Permission-Application; 1a\_DOCK-ARB-XX-01-DR-D-0001-1\_3-DockSt-Plan; 1b\_DOCK-ARB-XX-GR-DR-D-0002-1\_3-DockSt-Site-Location-Plan; 2\_Dock St - 23-03833-FULSTL RFI Response; 3\_Planning Office Report 23\_03833\_FULSTL-6057646-Report of Handling; 4\_Refusal Notice ufm23\_REFULZ-Refuse\_Planning\_Permission\_Notice; 5\_Dock St - 23-03833-FULSTL Planning Appeal Supporting Letter.

## Application Details

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

23/03833/FULSTL

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

21/08/2023

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

24/10/2023

## 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

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

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

Yes  No

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

Yes  No

## Checklist – Application for Notice of Review

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

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

Yes  No

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

Yes  No

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

Yes  No  N/A

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

Yes  No

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

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

Yes  No

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

## Declare – Notice of Review

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

Declaration Name: Mr Antony Bromley

Declaration Date: 22/01/2024

Flat 3, 1 Dock St, Edinburgh, EH6 6HU.

Planning Appeal Supporting Letter. Regarding above property.

Planning application, No: 23/03833/FULSTL

## 1. Introduction and Background.

This appeal statement has been prepared by the appellant who is the owner of the property. The appeal is in response to decision notice refusal letter decision dated 24<sup>th</sup> oct 2023. Change of use from residential to Short Term Let.

### 1.1. Property background & Relevant Property Planning History

The property is a grade 'C' listed building. Originally a Church built in ~1850. The building was subsequently converted to a night club and then to residential in 1995. The building consists of two floors. There are no residents on the ground floor, the first floor has 3 flats, and the top/2<sup>nd</sup> floor has one residence. The residence is situated in central Leith, an area full of history, art, culture, amenities, tourist attractions and is well connected to the city via public transport and to the airport via the new tram line, the perfect location for city visitors. Located within the building but accessed via a different external door is a commercial property. 1 Dock street sits at a road junction with the main road of Commercial Street. The areas immediate surroundings are of mixed use and in terms of footprint, sits within an area of predominantly more commercial than residential.

### 1.2. Relevant Appellant Residential History

The Appellant purchased the property in 2018 and lived in the property whilst working in Edinburgh up until April 2020, working on the new Edinburgh St James (ESJ) Shopping Development. This appellant had a change of circumstance being relocated through work. The appellant still resides in Scotland and has needed to re-visit the ESJ project for an extended period so has maintained the flat as a temporary residence ever since. [REDACTED]

[REDACTED] and allow the property to be short term let whilst maintaining flexibility to return and work from the flat in Edinburgh. This flexibility may be further required as the appellant will be supporting the new Scottish Monklands hospital over the next several years. Long term letting is not therefore a consideration.

Short term Letting has enabled and sustained this flexible temporary residence arrangement and the property has been used in this way prior to the confirmation of Edinburgh's short-term let control area designated on 5<sup>th</sup> September 2022. Short term letting for this property is managed through a local Edinburgh professional management company with an excellent and long standing track record.

### 1.3. Reason for Refusal:

- I. *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.*
- II. *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.*

Within the refusal notice letter, Edinburgh City Council (ECC) have also stated the reasons why the decision was made as the following:

*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.*

## 2. Appeal

### I. Effect on the living conditions of nearby residents

Regarding Reason for refusal item I.: *“use of this dwelling as a short term let will have a detrimental effect on the living conditions..... of nearby residents”*. This is a spurious/general argument and has not considered the actual beliefs and opinions of the nearby residents in this case. It has not noted by way of comparison the detrimental effect that long term residents may contribute to living conditions and any such complaints lodged with the council in this regard. Therefore, the argument that short term lets are detrimental is not a balanced view. As noted within the supporting letter in response to an RFI request from ECC, the appellant has a good relationship with the other 3 residents of the building, one of which has also historically used their flat for short-term letting and without issue or complaint. The group of residents at 1 Dock Street are frequently communicating via a WhatsApp group. To date there have been no complaints relating to noise or comings and goings of guests.

### II. Shared Facilities:

On shared facilities such as common internal hallway and stairwell, this is maintained through a cleaning contractor organised and paid for collectively by the residents of 1 Dock St and is therefore kept to a good standard at all times and has never been subject of upset. The communal bins are located in a separate courtyard area adjacent to the building and are shared by both 1 Dock Street and 40 Commercial

Street residents. It was anticipated tourists would not be familiar with the local refuse and recycling practices; Prior to advertising the property for short-term letting the appellant purchased A5 sized colour coded and pictorial bin stickers to clearly indicate which bins were for which purpose, as well as putting 'no glass' stickers on all of the bins. It has been reported by the 1 Dock Street residents that this has greatly reduced the bins from being misused even prior to any short-term letting. The short-term letting access key lock box has not been fixed to any external walls and is secured in a pad lock type lock box to a railing within the courtyard bin store area and is therefore nominally out of sight.

**III. Impact on Neighbouring Amenities:**

Regarding the reason for refusal decision stating "*the change of use will have an adverse impact on neighbouring amenities*". No specific amenities have been noted or listed by ECC and no reason has been stated as to why the impact would be negative, therefore this statement cannot be considered applicable in this case as it is based on assumption. When considering the given nature of the property and its location: local amenities such as supermarkets, restaurants, bars, cinema, coffee shops, transport, rental bikes, sports centres etc., these can surely only be bolstered by increased footfall that comes with visitors. Many of the public reviews from the properties feedback page state that the guests appreciate and frequently use these local amenities and businesses. Persons staying in short term lets are less likely (if at all) to use amenities such as hospitals, GPs, dentists, schools, nurseries etc. Many of which are currently stretched to capacity. Also note that Edinburgh public transport has been rated world class and beats many other cities in terms of performance and usage rankings. It is no surprise that this is due to significant investment in public transport and is heavily supported by the tourist footfall within Edinburgh. Also note that the majority of short term let residents arrive by public transport, reducing local parking requirements and traffic congestion that are more likely required with long term lets when compared to short term lets. I would therefore argue based on evidence that the dwelling in question, used as a short term let has a positive impact on the neighbouring amenities.

**IV. Sustaining maintenance and upkeep in the interest of the community:**

The 1 Dock Street residents have a shared bank account and sinking fund for maintenance and repairs. The building (formally a church) is grade 'C' listed, located within an area of historic importance being a conservation area. The upkeep of 1 Dock Street is high due to the original construction being of the year circa 1850. The upkeep is not supplemented by ECC or other bodies and the property owners have been collectively advised by a local building repairs contractor that significant investment will be required within the next few years, this investment is associated to re-pointing, stonework, waterproofing and likely replacement of the church spiers. The repairs to date have taken place in a timely manner and this is in the best interest of the community. In this particular case the significant future cost of repairs required as advised to the owners in conjunction with high mortgage interest rates

and current cost of living, would likely see the appellant making a loss of income on this property. Therefore, long-term letting has been deemed not financially viable by the appellant. As a previous 5 year resident of the conservation area the appellant is committed to the upkeep and maintenance of this historic building for the benefit of the current and future community.

**V. Change of use and frequency of use**

The properties letting data shows that the average length of stay over the last 365 days is 4.5 days with a minimum booking of 3 nights. At the time of writing the number of days let is approximately 75% of the calendar year. This is not high intensity use and the comings and goings of cleaners will be nominally once or twice a week. The appellant has been informed by the cleaning company that their agents arrive via public transport. The report of handling letter from ECC stated *“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”*. This argument is purely assumption. The appellant has enquired with the adjacent residents if there has been disturbance through noise and this has not been an issue. The layout, nature and construction of the building has very good acoustic properties and having lived there the appellant can testify it would be extremely difficult to disturb the neighbours through noise. As noted, the occupancy rate is nominally 75%. The other flats would be nominally 90 to 100%. Therefore, based on data and frequency of use it is argued the use of this property as a short term let in this case reduces the impact of the neighbouring residents when compared to a potential long term let.

**VI. Licensing**

On 31.10.2023 the ECC licencing service have contacted the appellant via email and have stated *“Our consultation period ended on the 27/10/23 and we have received no consultees objections”*. This is further supporting evidence that the immediate & adjacent community members and residents do not object to this specific dwelling being used as a short term let.

**VII. Mixed Residential and Short term let usage.**

Regarding the statement within the refusal notice: *“the loss of a residential property has not been justified”*. This assumes the property is otherwise subject to long term letting. Whilst it may be valid for property investors to have planning permission granted/refused in line with ECC’s housing agenda, the dwelling in question at 1/3 Dock Street is still used as a temporary/occasional residence and not owned by a property investor, the dwelling was not purchased as an investment property. As such this property will not be available as a long-term residential property. This nullifies the case put forward by ECC regarding loss of residential property in this instance. Should this appeal be unsuccessful the result would be loss of economic benefit generated, lack of funds for timely upkeep and maintenance of the property



and a nominally empty flat. Please also note that the appellant has a current mortgage and building & home insurance that permits mixed use as a residence and short term let.

#### **VIII. Economic benefit.**

ECC has acknowledged there is an “*economic benefit to the City as a whole from the provision of tourist accommodation*”. This whole is made up of many parts and the accommodation provided by short term lets enables and increases the capacity of the city’s tourism footfall. The ECC’s cart blanche approach would see hundreds of short term lets refused which would have a significant and negative impact on the whole. Within the appellants previous RFI response letter to the ECC, the case for economic benefit was made, stating several statistics from publicly available sources. This included data regarding the spend of tourists outweighing the similar spend on local amenities from residents. The property in question is in an area of the city (Leith) that might not see the bulk of tourist/visitor traffic when compared to the city centre. It is also worth noting that many guests come to choose the property because of its historic nature and as such being unique and available as a short term let attracts visitors that might not otherwise visit and spend money in that part of the city. Therefore, the location of this particular property will draw tourism spend to an area less visited. This should be considered in this case. However, it is again worth noting the economic benefit vs loss of accommodation is not applicable in this case as the property is used as a temporary residence by the appellant and therefore not subject to loss of residential accommodations claims.

Further on economic benefits the ASSC study:

*ASSC Economic Impact Assessment of Short Term Lettings on the Scottish Economy - Final Report v1.2* concluded that short term letting is an essential part of the tourism mix and economic growth. Figure 3.12 of the report shows data collected regarding what visitors to Edinburgh would have done otherwise should the self-catering property have not been available; Only 9% of people said that they would seek alternate types of accommodation in the same part of Scotland. 52% said they would look for other self-catering in the same area and 32% said they would not have travelled to the area at all. This emphasises the importance of self-catering to tourism that would likely be lost altogether having little impact on the hotels.

### **3. Individual cases vs general principles:**

The council has a responsibility to consider specific information relating to each individual planning application, otherwise it is not acting in good faith of the applicant. Taking a cart blanche approach/response to planning applications is not a fair process. This is particularly more relevant when a decision on letting types was brought in by the council to be applied in retrospect, and after the fact, where the original situation in place was proper and compliant at the time. This is not providing a service in good faith of the temporary residents, short term residents or landlords.

The appellant believes the ECC's desire to reduce the number of short term lets can be achieved over time by managing new planning & licence applications. Regarding properties in existing short-term letting arrangements prior to 5<sup>th</sup> Sept 2022, these will eventually change ownership or circumstance at which time these properties may have their licence for short-term letting refused if applied for. It is appreciated that planning applications are viewed predominately in line with the nature of the property and not the owner. The licencing body can therefore be the mechanism for managing the number of short term lets and a previous approval of planning application for a given property does not mean that ECC have lost the ability to influence short term letting numbers. Future licence applications for the same given property can still be controlled. Many people (the appellant included) have short term let their properties out of change of circumstance and necessity and as such their finances and mortgages are orientated around this. ECC has a duty to consider the personal circumstances of individuals to avoid making people destitute.

It is likely there were major investors buying up multiple properties for short-term letting within Edinburgh. These investors and businesses may not even reside or be registered within the country. It is suggested that should ECC wish to expedite the reduction of short term lets within the city, it targets planning & licence applicants that fit these profiles.

#### 4. Summary position and alternate proposal:

The Appellant has taken significant measures to address potential concerns, including noise mitigation through house rules and responsible check in times, waste management plans, and ensuring the property's compliance with safety regulations. Minimum length of stay is now actively set at 3 days. Moreover, the appellant firmly believes through both guests testimony and publicly available data that the short-term let would contribute positively to the local economy, community and tourism sector without compromising the character of the neighbourhood. The Appellant understands the need for careful consideration of planning applications to balance the interests of economy, residents and the community at large. As such, the appellant is open to modifications to the proposal that would alleviate the concerns raised by the planning authority.

The original application wording description is as follows:

*Change of use from residential to short term let for 52 weeks in a calendar year. At Maximum stay intervals of 28 days.*

However due for the reasons mentioned above the appellant wishes to amend this description to compromise on the needs of all parties. The appealing therefore proposes the follow description:

*Proposal for property to be of mixed use; predominantly used as a personal residence with limited short term letting. The proposal is to permit short term letting for a maximum of 5 calendar months only i.e. 40% of the calendar year with minimum length of stay set to 3 days and a maximum of 28. The 5 calenda months proposed are May through to September inclusive.*

kind Regards, Antony Bromley.

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: [planning.support@edinburgh.gov.uk](mailto:planning.support@edinburgh.gov.uk)

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Thank you for completing this application form:

ONLINE REFERENCE 100640125-001

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

## Type of Application

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

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

## Description of Proposal

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

Current property permitted use is for residents and long term letting. Proposal is to request inclusion for short term letting as a permitted use.

Is this a temporary permission? \*  Yes  No

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

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

No  Yes – Started  Yes - Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): \*

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

Due to changes in council rules, planning permission for letting type was not previously required. The Flat was compliant and in use as a Short Term Let prior to rule changes. Prior to the rule change the Flat was already a residential dwelling and compliant with Long Term Letting and Short Term Letting legal requirements. Eg Correct Locks on Doors / Inter connected Fire Alarms / Gas Safety Certificate in Place / EPC Certificates etc.

## 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:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Assich Lodge"/>
First Name: *	<input type="text" value="Antony"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Bromley"/>	Address 1 (Street): *	<input type="text" value="Easter Galcantray"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Cawdor"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="IV12 5XU"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Site Address Details

Planning Authority:	<input type="text" value="City of Edinburgh Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="FLAT 3"/>
Address 2:	<input type="text" value="1 DOCK STREET"/>
Address 3:	<input type="text" value="NORTH LEITH"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH6 6HU"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="676623"/>	Easting	<input type="text" value="326797"/>
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## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Site Area

Please state the site area:

63.10

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

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

Short Term Letting.

## Access and Parking

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

Yes  No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*

Yes  No

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

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

0

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

0

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

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

Yes  No

Do your proposals make provision for sustainable drainage of surface water?? \* (e.g. SUDS arrangements) \*

Yes  No

Note:-

Please include details of SUDS arrangements on your plans

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

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

- Yes  
 No, using a private water supply  
 No connection required

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

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

Yes  No  Don't Know

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

Do you think your proposal may increase the flood risk elsewhere? \*

Yes  No  Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*

Yes  No

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

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*

Yes  No

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

The property currently has access to a private/gated external courtyard-access via combination lock. This is where the residents currently store bins and organise recycling. Clear instructions on how to access this store and how/what to recycle have been left inside the property. I have placed large clear labels on all bins regarding their use type and printed 'No Glass' stickers on all bins so that people letting can understand the recycling rules. Extra Glass/Recycling bins have been ordered.

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

Yes  No

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

Yes  No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) \*

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

Yes  No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

Yes  No

Is any of the land part of an agricultural holding? \*

Yes  No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

## Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Mr Antony Bromley

On behalf of:

Date: 21/08/2023

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

Yes  N/A

A Design Statement or Design and Access Statement. \*

Yes  N/A

A Flood Risk Assessment. \*

Yes  N/A

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

Yes  N/A

Drainage/SUDS layout. \*

Yes  N/A

A Transport Assessment or Travel Plan

Yes  N/A

Contaminated Land Assessment. \*

Yes  N/A

Habitat Survey. \*

Yes  N/A

A Processing Agreement. \*

Yes  N/A

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



## Declare – For Application to Planning Authority

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

Declaration Name: Mr Antony Bromley

Declaration Date: 21/08/2023

## Payment Details

Online payment: 6 [REDACTED]

Payment date: [REDACTED]

Created: [REDACTED]

PLACE, Planning & Building Standards.  
Email [planning.improvement@edinburgh.gov.uk](mailto:planning.improvement@edinburgh.gov.uk)  
Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG

Date: 26/09/2023

Ref: 23/03833/FULSTL

Dear Edinburgh City Council Planning & Building Standards,

This document is in response to a Request For Information (RFI) regarding a letter sent to me and dated 18<sup>th</sup> September 2023. The RFI relate to the Revised Draft National Planning Framework 4 (NPF 4) where the NPF 4 contains a specific policy on short term lets, Policy 30(e) states:

*e) Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:*

- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or*
- ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.*

My Response is as follows:

Policy 30(e) i

- The property in question has been a residential property since 1995 and as such has been through all planning application requirements and approvals for use as a residential property at that time. Since 1995 the property has been used/lived in by the property owners and/or tenants. The property has been used previously as a long term let and has now been made available for short-term letting. Therefore, the property has not undergone a significant change in use and the proposal is to continue as before to be lived in by people visiting or staying in Edinburgh on a short-term basis.
- The majority of visitors to the property travel via public transport therefore moving about the city via trains, trams and buses and taxis. Consequently, this results in less traffic & vehicles parked at or near the property leaving more space for residents.
- As the property owner having lived there for a number of years, and now residing in the Scottish Highlands, I frequently stay in Edinburgh and use the property whilst I am there with friends and family. As such I maintain a good relationship with the local residents, and we jointly address any issues (such as maintenance) that may arise at or surrounding the property. If the property were on a long term Let, I would not be able to stay/attend myself.
- The public notice for planning application has been displayed for the allotted time and has received no comments.

The above reasons lead me to conclude that the proposal does not have any significant impact the character of the neighbourhood or area.

Policy 30(e) ii

- According to the Edinburgh Tourism Action Group (ETAG) in their report named 'Tourism in Edinburgh) published in Nov 2016: *"The City sells £1.3billion o services to staying visitors, which supports around 30,000 jobs"*.
- According to; L J Research, Edinburgh Visitor Survey & GBTS/IPS 2015 – the average spend per visitor person per day was £98.20. The property in question has an occupancy of up to 4 adults and has had ~75% occupancy in the last 365 days (form Sept 2022 to 2023). This means that the likely spend from all of the persons staying at the property on local amenities and services far exceeds the disposable income of a long term let resident. In one example a person staying at the property stayed for 28 days to undertake a kilt making course at Kinloch Anderson just across the road from the property.
- According to the ETAG,2016 report *"hotels in summer months are at 90% occupancy"* accounting for over half of the accommodation to visitors. This tells us that the remaining visitors to Edinburgh have to look for alternate accommodation whilst the hotels in the Edinburgh often reach capacity. Short Term Lets help fill this shortfall in accommodation to keep the City's tourism booming.
- It is worth noting that many visitors to the city are people with children and/or families that prefer a self-catering style accommodation, seldom available via hotels. Self-catering apartments therefor provide an additional accommodation type, opening the door to additional tourists that prefer not travel from hotel to hotel.
- The property has an online and printed guidebook which suggests many things to do and see within the local area. Below is a short selection of the property's public reviews:

*My family really enjoyed our stay! It was in a great location right across the street from the bus stop to city centre, grocery store and a little park. It was only a couple blocks away from great restaurants and Water of Leith, but still felt relatively quiet.*

*Rachel, Sept 2023*

*Great flat to stay with the family on a visit to Leith. Great range of bars / restaurants / cafes on the doorstep*  
*Claire, Sept 2023*

*Such a cute place. Super convenient grocery store & pub right next door. Clean apartment & very detailed description. Super quick responses & helpful when anything was needed. Highly recommend!!!*  
*Sophie, Sept 2023*

*Perfect location. Close to recently extended tram stops. Aldi opposite. Restaurants and bars within walking distance. Information and instructions very clear. Definitely worth a return visit!*  
*Mary-Louise, Aug 2023*

*I couldn't believe how much we enjoyed our stay here. I'm struggling to think of a single criticism! The location is beautiful and one of the most interesting and walkable place in Edinburgh. The unit was clean and spacious and had nice simple decor. I am really hoping I have the opportunity to stay here again because eight days was not enough.*

*Sarah, May 2023*

The above reasons lead me to conclude that the proposal has a demonstrable local economic benefit.

*Kind Regards, Antony Bromley.*

Mr Bromley  
Assich Lodge  
Easter Galcantray  
Cawdor  
IV12 5XU

**Decision date: 24 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 Flat 3 1 Dock Street Edinburgh EH6 6HU

**Application No:** 23/03833/FULSTL

**DECISION NOTICE**

With reference to your application for Planning Permission STL registered on 6 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 [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 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](mailto: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](http://www.eplanning.scot) or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email [localreviewbody@edinburgh.gov.uk](mailto:localreviewbody@edinburgh.gov.uk).

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

# Report of Handling

**Application for Planning Permission STL  
Flat 3 1 Dock Street, Edinburgh, EH6 6HU**

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

**Item – Local Delegated Decision  
Application Number – 23/03833/FULSTL  
Ward – B13 - Leith**

## **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 two-bedroom, first floor flat, situated in the former Mariner's Church at Flat 3, 1 Dock Street. The dwelling is accessed via a communal ground floor front door and shared stair. The immediate area is mixed use in character, with moderate levels of pedestrian and vehicular traffic.

The property is located within a category 'C' listed building (LB26800) designated on the 30/03/1994. The site is located within the Leith Conservation Area.

### **Description Of The Proposal**

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

### **Supporting Information**

- NPF4 Supporting Statement

### **Relevant Site History**

No relevant site history.

### **Other Relevant Site History**

No further relevant site history.

### **Consultation Engagement**

No consultations.

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 24 October 2023

**Date of Advertisement:** 15 September 2023

**Date of Site Notice:** 15 September 2023

**Number of Contributors:** 5

## **Section B - Assessment**

### **Determining Issues**

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

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

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

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

Do the proposals comply with the development plan?



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

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

In the assessment of material considerations this report will consider:

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

## **Assessment**

### **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 Leith Conservation Area Character Appraisal emphasises *"the area's unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities, and the importance of the Water of Leith and Leith Links for their natural heritage, open space and recreational value."*

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 and Conservation Area

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.

### *Amenity*

The property is a two-bedroom, first floor flat, situated in the former Mariner's Church at Flat 3, 1 Dock Street. The dwelling is accessed via a communal ground floor front door and shared stair, that is used by three further residential properties. The immediate area is mixed use in character, with both residential and commercial uses. The surrounding area has moderate levels of pedestrian and vehicular traffic.

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. The properties access via a shared stair and communal front door intensifies the effect that short term let use would have on the immediate residential amenity.

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 applicant provided a planning statement which noted, the short term let has transitioned from a principal home to long term let and recently a short term let, therefore the property has not undergone a significant change of use.

The statement comments that the following information provides evidence that the proposal demonstrates demonstrable local economic benefit. The city of Edinburgh "sells £1.3billion of services to staying visitors, which supports around 30,000 jobs" (Edinburgh Tourism Action Group). Tourists have an average of £98.20 per day with the property having a 75% occupancy rate. This spending would support local businesses through direct spending on amenities and services, which exceeds long term residents. Short term let properties meet a short fall that hotel shortfalls cannot accommodate and offer a style of accommodation that traditional hotels cannot provide.

The lawful use of the property is residential and the proposed change of use to 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.

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.

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 five public objections. The application received one late public representation.

A summary of the representations is provided below:

#### *material considerations in objection*

- Objection that the short term let use would remove a long-term residential property from Edinburgh's housing stock. This has been assessed within section c).
- An objection that short term let use would have a detrimental effect on neighbouring residential amenity. This has been assessed within section c).

#### *non-material considerations in objection*

- Concern that the short term let would lead to a burden on local servicing such as rubbish collection and public transport.

## **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:** 6 September 2023

### **Drawing Numbers/Scheme**

01 - 02

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](mailto:benny.buckle@edinburgh.gov.uk)

Appendix 1

**Consultations**

No consultations undertaken.



## 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: 20 October 2023

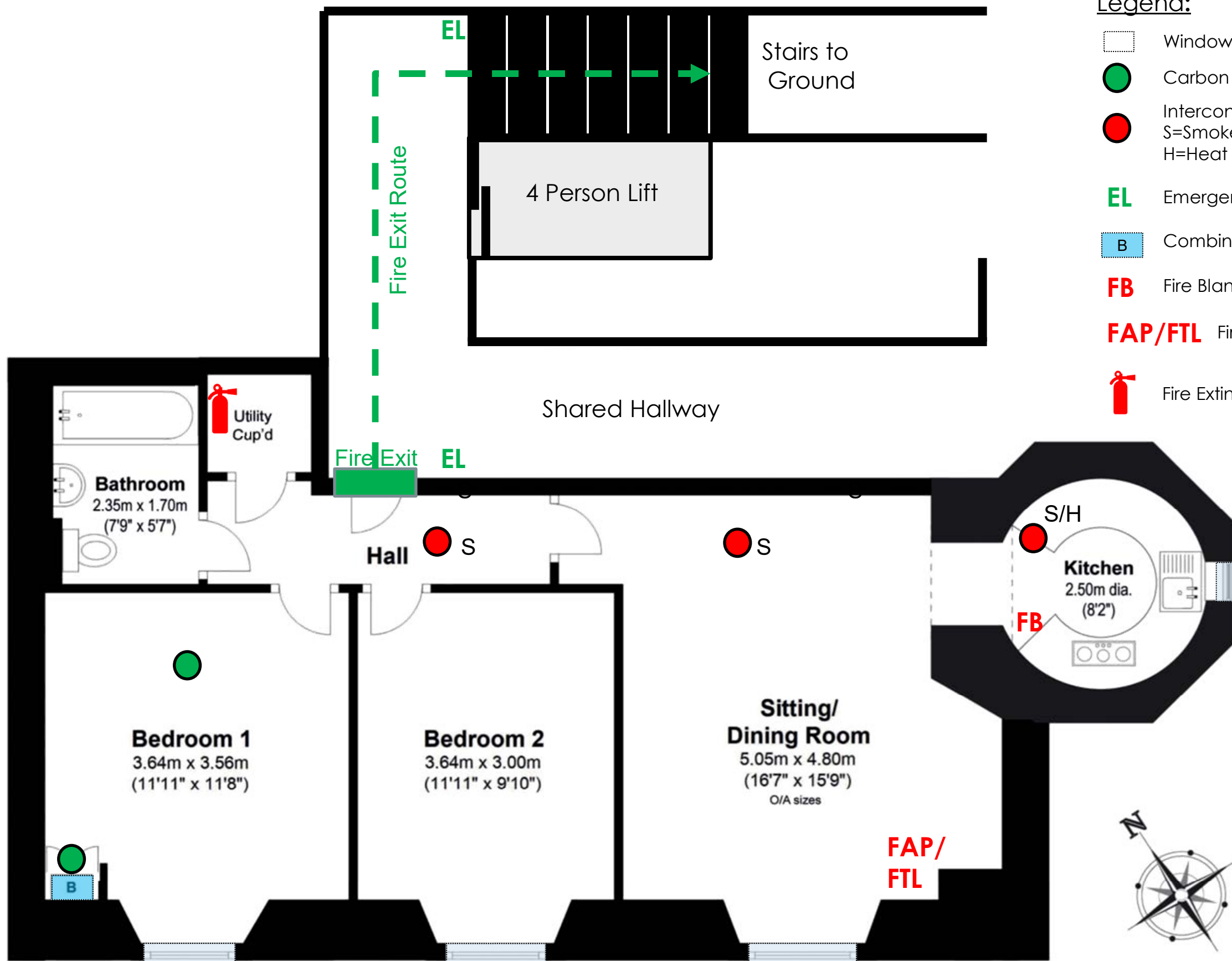
#### **Authorising Officer**

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: 24 October 2023



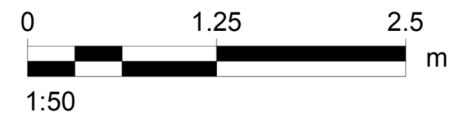
**Legend:**

-  Window
-  Carbon Monoxide Detector
-  Interconnected:  
S=Smoke Detector  
H=Heat Detector
-  **EL** Emergency Lighting
-  **B** Combination Boiler
-  **FB** Fire Blanket
-  **FAP/FTL** Fire Action Plan/Fire Test Log
-  Fire Extinguisher

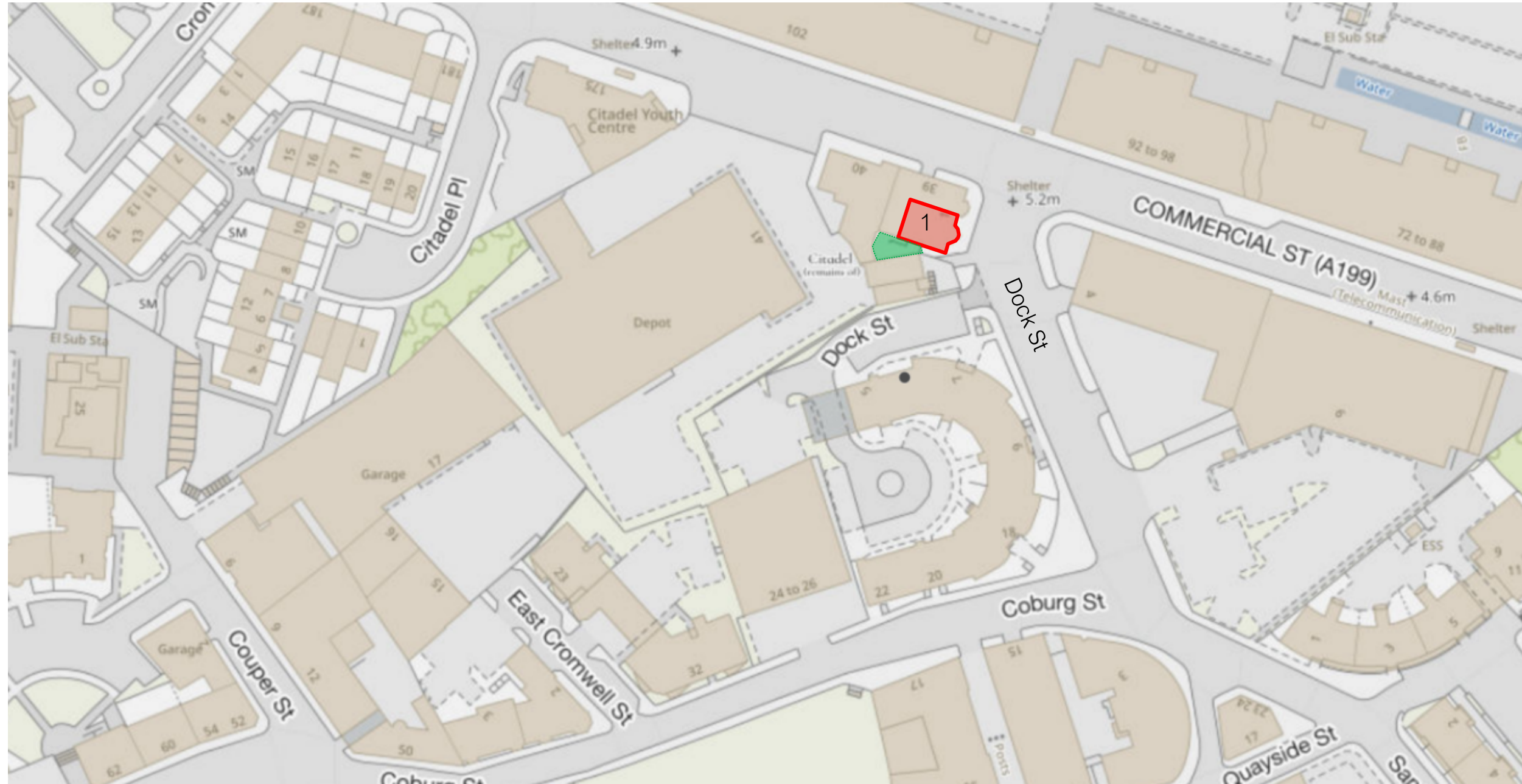
**Plan**

**Total internal Flat Area = 63.1 Sq. metres**

**1 Dock St – Flat 3 – Edinburgh – EH66HU**


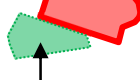


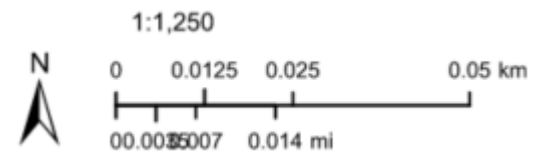
Floor Plan – Level 1									
Rev.	Description	Date							Suit Code.
P01	Issued for Information	21/08/23					Scale at A3: 1:50		S1
Proj.No.	Proj.Code	Originator	Sector	Level	Type	Role	Sequence.No.	Rev.	
201911	DOCK	ARB	XX	01	DR	D	0001	P01	



Site Location Plan

Legend:

-  Plot Boundary
-  Bins/Recycling Area



**1 Dock St – Flat 3 – Edinburgh – EH66HU**

Site Location Plan – Street Level										
Rev.	Description						Date			
P01	Issued for Information						21/08/23		Scale at A3: 1:1250	
									Suit Code. S1	
Proj.No.	Proj.Code	Originator	Sector	Level	Type	Role	Sequence.No.	Rev.		
201911	DOCK	ARB	XX	GR	DR	D	0002	P01		