



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 100649616-001

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

### Applicant or Agent Details

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

Applicant  Agent

### Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="9 William Street"/>
First Name: *	<input type="text" value="Jillian"/>	Building Number:	<input type="text" value="9"/>
Last Name: *	<input type="text" value="Hannay"/>	Address 1 (Street): *	<input type="text" value="9 William Street"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="2F1"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Edinburgh"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH3 7NG"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

## Site Address Details

Planning Authority:

City of Edinburgh Council

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

Address 1:

2F1

Address 2:

9 WILLIAM STREET

Address 3:

NEW TOWN

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH3 7NG

Please identify/describe the location of the site or sites

Northing

673626

Easting

324409

## 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)

The proposal is to change the use of the property from a Long Term let to a Short Term Let for a secondary home to be able to apply for a Short Term Let license. The property is a 2 bedroom flat within a building with 3 other flats. As far as I know 2 of the 3 flats are letted out and the other 1 is only used occasionally as a second residence. The property is located in a busy commercial street, rather than a residential area.

## 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 will not go back to renting out long term. As such, the reasons given for the refusal to my application are now less relevant, and not relevant. There will be no loss in residential accommodation and less disturbance to local amenity as the property will be used as my second home and only home in Scotland. I live in Spain and now wish to use the property for regular visits to family including elderly relatives. Please see the Supporting Documents for further information.

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)

Since my application my mother's health has deteriorated. I have decided along with my husband, to spend more time in Scotland, and to keep the property for our own use and not return to long term letting. Our main home is in Spain, but as native Scots we have close family in and around Edinburgh, whom we continue to visit often. There will therefore be no loss of residential accommodation and as such a reason to review my application as this was one of the reasons given for the refusal.

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)

Application form, Location plan, Floor plan, Planning Statement, Report of Handling, Decision Notice, Review Petition

## Application Details

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

23/03932/FULSTL

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

06/09/2023

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

20/10/2023

## 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: Mrs Jillian Hannay

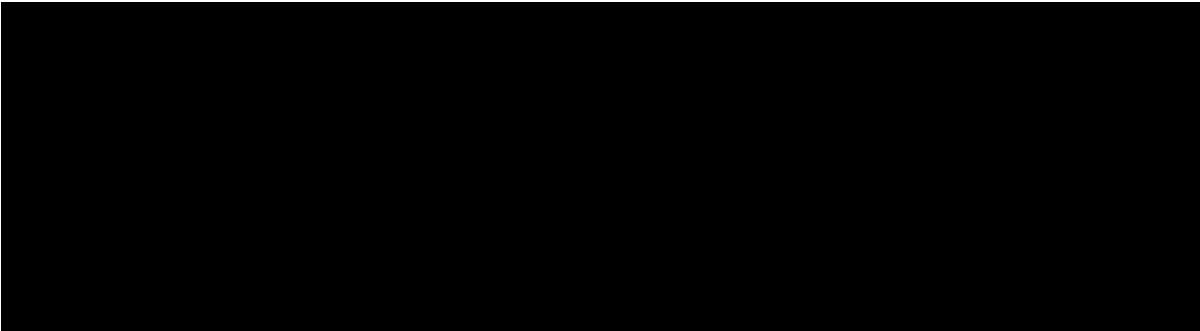
Declaration Date: 19/01/2024

APPLICANT - Jillian Hannay

Residential address: Calle Veinte, Torre B3, Castelldefels, 08860, Spain.

Request for a Review on Refusal Decision for Planning Permission for Short Term Lets  
Application No. 23/03932/FULSTL for property at 9 William Street, 2F1, Edinburgh EH3 7NG

### Background information



### Reasons 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.**

#### *“Amenity:*

*The application property is located in a mixed use commercial and residential area in William Street, Edinburgh. The application property forms part of a three-storey and basement building that has commercial uses along its ground floor. The commercial uses in the surrounding area include cafes, shops, pubs and a bar. As such, there is a fairly high ambient noise level and the introduction of an STL use in this location **will not have a detrimental impact on the amenity of the surrounding area in William Street.***

*However, the application property is located in a tenement, sharing access to 9 William Street with three neighbouring residential properties via a communal main door entrance and shared staircase. **The use of the property as an STL would introduce an increased frequency of movement to the property. The proposed STL 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. “*

With regard to the comments above highlighted in bold from the Report of Handling, Local Delegated Decision document, it has been recognised that there is a fairly high ambient noise level and the introduction of an STL will **not** have a detrimental impact on the amenity of the surrounding area in William Street, due to the area being of mixed use.

The comments then go on to explain that the property is in a tenement building, sharing a main entrance and staircase with three other residential properties, and that to operate the property as an STL, would be in a manner dissimilar to that of permanent residents. I believe it is relevant to explain that the property is now going to be used regularly by myself and immediate family as our second home and only home in Scotland.

Since July 2023 the property has been used regularly for visits of a short period of time. I am a native Scot, and currently live in Spain, but now wish to retain the property for my own use along with my husband and family to be able to visit relatives, who live in and around Edinburgh. We both have elderly parents who are becoming more of a concern. It is our plan to live permanently in the property when my husband retires, within 5 to 8 years time. I will not return to long term letting, even if planning permission for change of use to an STL is not granted. I am willing to take the hit financially and have recently made this decision, based on the deteriorating health of my mother.

With regard to the property being located in a tenement building with three other residential neighbours who share a main entrance and staircase, it is relevant to note that this entrance and staircase is also shared by two cafés directly on the ground floor of the building which use the entrance to access the basement. Out of the three other residential neighbours, one of those under the name of Ryan, uses the property as a second home and is rarely there. There is currently therefore a maximum of two residential neighbours living permanently in the building. Since I have been using the property for short term use over different periods in the past, specifically during: 2021, 2007, 2021 and regularly since July 2023, there is no corroborating evidence of any problems or any direct evidence of any disturbance to residential amenity that I am aware of.

If there have been any objections to the proposal for change of use to an STL, there can only be an objection about the *potential* for disturbance. As the manager of possible future short term lets, I would carefully vet guests and ensure that clear house-rules are adhered to.

It would be very much in my interest to do so as the property is now my home in Scotland and I wish to keep on good terms with my direct neighbours.

If this application is not successful, the reality is that I will allow friends and family to use the property as non-paying guests when I am not there, so it will essentially be a short-term use property until the time that my husband and I start living there longer term. It is not in our interests to rent out long term before then, as this will result in us not being able to use the property.

Therefore, in light of the current use of the property since July 2023, and my decision to retain the property for my own use, and indeed as my only home in Scotland, it has been illustrated that the property is now being used regularly for short term visits. My family (husband and two teenage sons) and I will be coming and going with suit-cases, not dissimilar to that of an STL and if this will cause any harmful impact to immediate neighbour's living conditions and amenity, there is no evidence to say that this impact would be dissimilar should this property be able to offer short term lets.

As such I believe the proposal complies with the Local Development Plan Policy Hou 7. The use as an STL would be compatible and comparable with our own use of the property, and any impact to immediate neighbours would be carefully managed to ensure harmony within the building.

**Reason for refusal:**

- 2. The proposal is contrary to National Planning Framework 4 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 unacceptable impact on local amenity and the loss of a residential property has not been justified.**

This is one of two homes owned between myself and my husband and as previously mentioned it is our plan to retire within 5 to 8 years, and become permanent residents there. There is therefore no question that the property's part-time use for short term letting would cause a loss of residential accommodation or hinder homes and services for local people, as myself and husband are now locals using the property regularly as our main home in Scotland and will not return to long term lets.

Rather than the property being empty when we are not using it ourselves, it would be mutually beneficial to be able to offer short term lets to recover some of our running costs, while simultaneously offering an added economic benefit for the local area as well as the tourist industry in Edinburgh. It should also be noted that as I will now be using the property regularly, we would be able to react quickly to any potential problems caused and find solutions.

Therefore in accordance with the National Planning Framework 4 Policy 30 (e) any impact on local amenity would be minimal or acceptable and there would be no loss in residential accommodation.

Granting planning permission for change of use from long term to short term, in this instance will not result in the loss of residential accommodation. The impact on local amenity as referred to above, will arguably be minimal if at all, due to the fact the property is already being used for short term use and the owner will be visiting regularly.

I have had past experience of operating a short term let in Barcelona over several years – a property which had 2 bedrooms, similar to the proposed property, it - without exception, attracted families or couples – who have been (in my experience) responsible and respectful guests. I provided a clear list of house-rules to the guest, and with the opportunity to give guest ratings and reviews on main booking websites, it is in their interest to comply. Where I have had problems to the condition of the property or disturbance to neighbours, this has happened only with long term tenants.

I hope my case can be reviewed with understanding as the financial contribution that could be gained by enabling short term lets of the property will be helpful for my family to ease our return to permanent residency in Scotland.

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 100639050-001

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)

The proposal is to change the use of the property from a Long Term let to a Short Term Let for a secondary home to be able to apply for a Short Term Let license. The property is a 2 bedroom flat within a building with 3 other flats. As far as I know 2 of the 3 flats are letted out and the other 1 is only used occasionally as a second residence. The property is located in a busy commercial street, rather than a residential area.

Is this a temporary permission? \*  Yes  No

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

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

No  Yes – Started  Yes - Completed

## Applicant or Agent Details

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

Applicant  Agent



## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text" value="9 William Street"/>
First Name: *	<input type="text" value="Jillian"/>	Building Number: <input type="text" value="9"/>
Last Name: *	<input type="text" value="Hannay"/>	Address 1 (Street): * <input type="text" value="9 William Street"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text" value="2F1"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Edinburgh"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="EH3 7NG"/>
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="2F1"/>
Address 2:	<input type="text" value="9 WILLIAM STREET"/>
Address 3:	<input type="text" value="NEW TOWN"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH3 7NG"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="673626"/>	Easting	<input type="text" value="324409"/>
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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:

85.00

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)

The flat has been used as a Long Term Let property since 2002. It is currently empty, and has been so since July 2023.

## 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)

Recycling bins will be included in the flat with information on how to recycle outside. No extra facilities will be required. With the change over of Short Term Lets the flat will be cleaned thoroughly, and any rubbish left inside the flat by tenants will be dealt with according to the recycling rules for the street.

## 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: Mrs Jillian Hannay

On behalf of:

Date: 25/08/2023

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)

As I understand it, none of the above would be applicable for the planning permission application for the change of use from Long Term lets to Short Term Lets.

## 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: Mrs Jillian Hannay

Declaration Date: 25/08/2023

## Payment Details

Online payment: [REDACTED];

Payment date: [REDACTED]

Created: [REDACTED]

**Planning Statement in reference to requested helpful information, on letter dated 8<sup>th</sup> September 2023:**

**“For full planning applications, please provide a planning statement on how the proposals comply with [National Planning Framework 4 \(NPF 4\)](#) policy 30(e) and [Local Development Plan \(LDP\) Policy Hou 7.](#)”**

**APPLICATION NUMBER: 23/03932/FULSTL**

9 William Street, 2F1, Edinburgh, EH3 7NG

**National Planning Framework 4 (NPF 4), policy 30 (e)**

In changing the use from Long Term to Short Term Lets and achieving a high occupancy rate, I would suggest that the impact on local amenities will be positive due to the demand on local businesses eating, leisure, transport and shopping options. For example there are 2 take-away / sit in breakfast / lunch businesses directly on the ground floor of the building, also a couple of bars and pubs on the street, a nearby gift shop on Stafford Street and various tourist shops on Princes Street.

With regards to service amenities – the property will be advertised without parking, as such there will be a potential reduction of cars parked in the immediate area. There will also be clear instructions on the recycling and disposing of waste, given to every visitor and the agency looking after the property.

This is a property with no garden space or play areas and due to its very central location it is ideally placed to have a high occupancy rate. This will again result in having a positive impact on the economy of local shops and amenities.

As an owner of the property who, in the event of gaining a Short Term Let license, I will have access to using it for short durations each year. As such, I will be more interested in investing in the upkeep and running of the property by making improvements to energy efficiency, the aspect and function of communal areas, improvements to rubbish disposal etc.

**Local Development Plan (LDP) Policy Hou 7**

The planning permission application for the change of use from Long Term Lets to Short Term Lets is for only 1 dwelling, within a building with a total of 4 dwellings. As such, my understanding is that it does not have to be considered suitable for affordable housing provision.

Mrs Hannay.  
2F1 9 William Street  
Edinburgh  
EH3 7NG

**Decision date: 20 October 2023**

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

Change the use of the property from a long term let to a short term let for a secondary home.

At 2F1 9 William Street Edinburgh EH3 7NG

**Application No:** 23/03932/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 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) 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 unacceptable 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 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 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.

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 Craig Turnbull directly at [craig.turnbull@edinburgh.gov.uk](mailto:craig.turnbull@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.

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# Report of Handling

**Application for Planning Permission STL  
2F1 9 William Street, Edinburgh, EH3 7NG**

**Proposal: Change the use of the property from a long term let to a short term let for a secondary home.**

**Item – Local Delegated Decision  
Application Number – 23/03932/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 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 A – Application Background**

### **Site Description**

The application property is a two bedroom flat located on the second floor of a tenement on William Street, Edinburgh.

The property comprises a lounge, kitchen, two bedrooms, and a bathroom and is accessed via a communal main door entrance and shared stairway.

The property is located in The New Town Conservation Area and Edinburgh's World Heritage Site. It also form a part of a Category B listed building (ref: LB29929: date of listing 14.12.1970).

The surrounding area comprises a mixed-use character with commercial and residential uses.

### **Description Of The Proposal**

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

### **Supporting Information**

Planning statement.

### **Relevant Site History**

No relevant site history.

### **Other Relevant Site History**

No other relevant planning site history.

### **Consultation Engagement**

No consultations.

### **Publicity and Public Engagement**

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

**Date of Advertisement:** 15 September 2023

**Date of Site Notice:** 15 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 or its setting. It is therefore acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997.

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

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

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

The New Town Conservation Area Character Appraisal states that it represents a planned urban concept of European significance with an overriding character of Georgian formality. Stone built terrace houses and tenements, built to the highest standards, overlook communal private gardens; to the rear are lanes with mews buildings, many of which are now in housing use. The importance of the area lies in the formal plan layout of buildings, streets, mews and gardens and in the quality of the buildings themselves.

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

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

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

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

## Listed 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 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 relates to STL proposals.

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

The non-statutory Guidance for Businesses (2023) states that an assessment of a change of use of dwellings to a short term let will have regard to:

- The character of the new use and of the wider area;
- The size of the property;
- The pattern of activity associated with the use including numbers of occupants, the period of use, issues of noise, disturbance and parking demand and
- The nature and character of any services provided.

### *Amenity:*

The application property is located in a mixed use commercial and residential area in William Street, Edinburgh. The application property forms part of a three-storey and basement building that has commercial uses along its ground floor. The commercial uses in the surrounding area include cafes, shops, pubs and a bar. As such, there is a fairly high ambient noise level and the introduction of an STL use in this location will not have a detrimental impact on the amenity of the surrounding area in William Street.

However, the application property is located in a tenement, sharing access to 9 William Street with three neighbouring residential properties via a communal main door entrance and shared staircase. The use of the property as an STL would introduce an increased frequency of movement to the property. The proposed STL 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 a STL requires compared to that of a residential use is also likely to result in an increase in disturbances, further

impacting on neighbouring amenity. However, this would be of lesser impact as it is likely that servicing would be conducted during the daytime.

This would be significantly different from the ambient background noise that neighbouring residents might reasonably expect and will have an unacceptable effect on the living conditions and amenity of neighbouring 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 applicants supporting planning statement provides information to address NPF 4 policy 30 (e) part (ii). The applicant's planning statement expresses that the proposal will have a positive impact on the economy with the proposed use supporting the local shops.

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

The applicant asserts that the STL use of the property provides employment for local business to ensure its appropriately maintained for guests. Additionally, guests are encouraged to support business in the local area.

The 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).

#### Parking Standards

There is no off-street parking available at the property. 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 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.

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

The following material planning considerations have been identified:

Independent economic impact assessment

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

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

Emerging policy context

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

Equalities and human rights

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

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

Public representations

A summary of the representations is provided below:

Two representations received. Two objections.

### *Material considerations*

- The area needs more homes for primary residencies. Addressed in section C.
- Long-term residents contribute more to the economy compared to short term visitors. Addressed in section C.
- Potential for nuisance to neighbours within a shared stair tenement. Addressed in section C.

### *Non-material considerations*

- STL's contribute to increasing rents and house prices. .

### **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 preserve or enhance the character or appearance of the conservation area and does not harm the character of the listed building, its setting, or the setting of neighbouring listed buildings.

The change of use of this property to 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 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 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) 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 unacceptable 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: Craig Turnbull, Assistant Planning Officer  
E-mail: [craig.turnbull@edinburgh.gov.uk](mailto:craig.turnbull@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: Craig Turnbull

Date: 19 October 2023

#### **Authorising Officer**









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

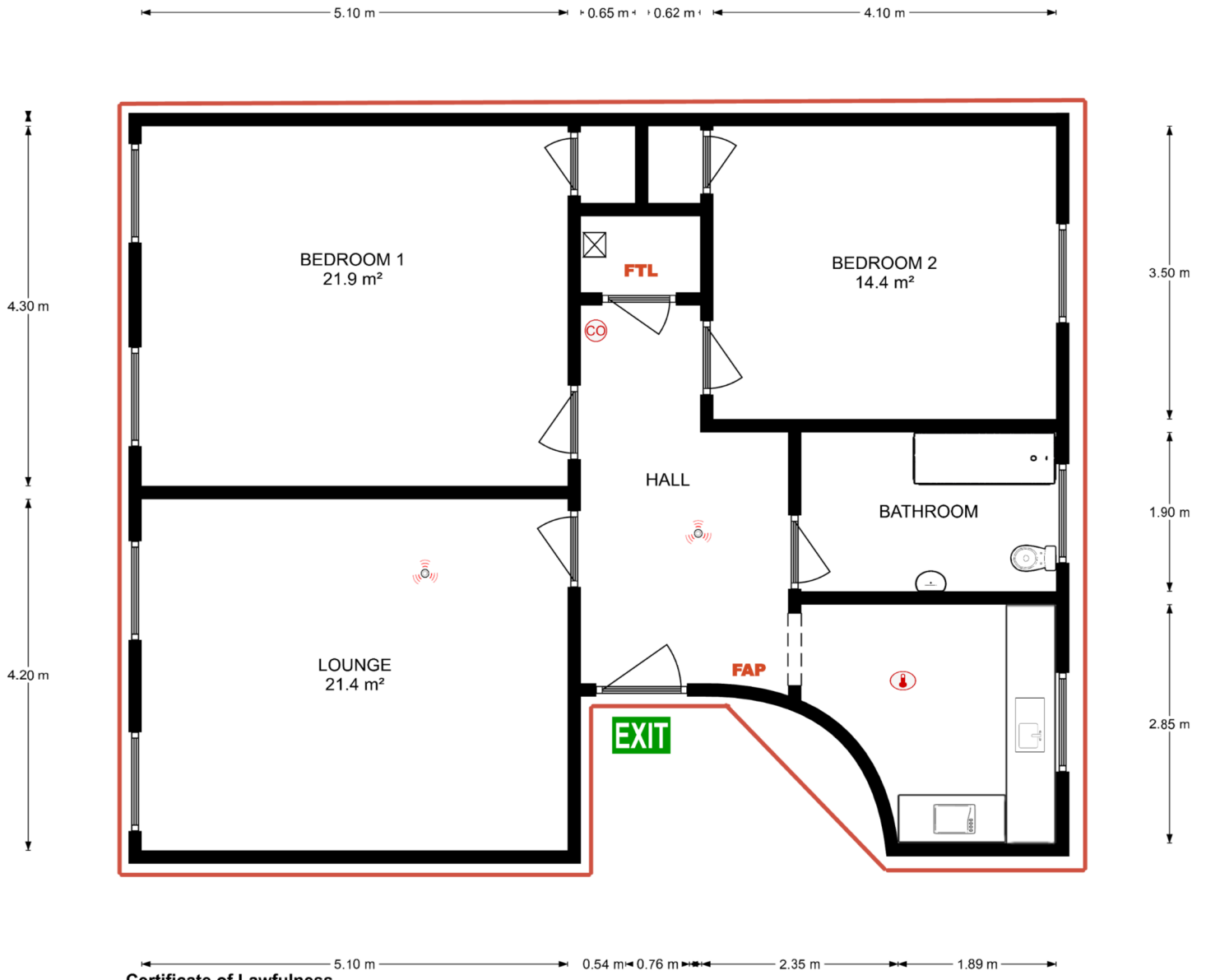
I can confirm that I have checked the Report of Handling and agree the recommendation by the case officer.

Authorising Officer (mRTPI): Lynsey Townsend

Date: 19 October 2023

# 9 William Street TFL Edinburgh EH3 7NG

- |                   |   |                |   |
|-------------------|---|----------------|---|
| Smoke detector    |   | Max occupancy  | 4   |
| Heat detector     |  | Gas meter      |  |
| Fire extinguisher |  | Electric meter |  |
| Carbon monoxide   |  | Fire escape    |  |
| Fire blanket      | <b>FB</b>   |                |   |
| Emergency lights  | <b>EL</b>   |                |   |
| Fire Action Plan  | <b>FAP</b>  |                |   |
| Fire Test Log     | <b>FTL</b>  |                |   |
| Boiler            |  |                |   |



**Certificate of Lawfulness**  
**Application for short term let**  
**Approx Gross internal area 83.sm**



9/3, WILLIAM STREET, EDINBURGH, EDINBURGH, EH3 7NG



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Paper Size: A4

Notes:

